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ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

The Administrator of the United States Environmental Protection Agency is the chief enforcer in the Federal Government of laws to enhance and protect the environment. It is his responsibility to view environmental quality as the complex inter-relationship of many factors of ecological degradation: air and water pollution, solid waste management, pesticides and noise control, and radiation levels in the atmosphere.

Despite varying degrees of legal authority to deal with these factors, in the most basic terms his task is to abate pollution by the setting of standards of permissible levels of non-natural discharges into the environment, the enforcement of those standards, and the monitoring of environmental quality. These standards are primarily designed to protect human health from the adverse effects of environmental degradation, as well as to protect the environment from irreparable deterioration.

In order to fulfill this responsibility, the Administrator must direct a national research program to insure both that standards are set in accordance with verifiable scientific data, and that technology is developed as quickly as possible to meet the need to control contaminants where such technology is not yet available. Moreover, he must direct the enforcement program so that its focus is not on pointing accusatory fingers, but rather on achieving the most timely and effective abatement of pollution. A "firm but fair" enforcement philosophy is essential in dealing with a problem too long overlooked and for which, essentially, no individual segment of society is to blame.

Moreover, the legislative mandate of this Agency vests considerable regulatory decision-making authority in the Administrator. He is empowered to determine the use of a pesticide and under what conditions it may be utilized,

the parameters of specific standards, and under the 1972 Clean Water Act, he is empowered to employ administrative penalties to achieve compliance in water pollution abatement.

In the control of water pollution the Administrator must also direct an extensive grants program for the construction of waste water treatment facilities.

Beyond these mandated responsibilities, the Administrator must undertake the following efforts, vital to the mission of the Agency:

- * Insure that federal efforts are closely coordinated with state and local governments.

- * Serve as an advocate within government for the environment, especially providing assistance to other agencies in dealing with environmental problems at federal facilities and cooperating with them to insure that environmental factors are given full consideration in their plans and programs.

- * Testify before Congressional committees on budgetary matters, pending legislation and oversight hearings regarding implementation of existing laws. A smooth working relationship with Congress is crucial to the success of the Agency.

- * Seek cooperation with similar agencies in foreign governments, especially with regard to sharing research and technological information, and assist our neighbors Canada and Mexico in designing programs to relieve mutual problems, i.e., pollution of the Great Lakes and Colorado River.

- * Provide a program of information to the public about environmental problems and their solutions and serve as a spokesman for environmental quality in the nation. In performing such a role, it is essential to strive to make people understand the complexity of our environmental problems, the cost/benefits and trade-offs which must be evaluated, and the time-frame in which the public can reasonably expect improvements in environmental quality.

The need to achieve maximum cooperation with state and local governments merits special consideration. Included in this briefing document is a section on regionalization which is critical to an understanding of the management

philosophy of this agency. One could assert that EPA is the most regionalized of all the federal departments or agencies. It is essential that we be so. For the initial responsibility and authority for environmental management in this country is at the local and state level, and regionalization provides the opportunity for the closest cooperation with these levels of government.

As well, the role of spokesman for the environment with the public and within government is a crucial one. People must fully understand the process by which this society has undertaken to arrest deterioration of the environment, and they must be encouraged to broaden their vision to questions beyond the control of contaminants; questions of land use planning, energy production and consumption, the cost/benefit ratios of environmental protection. The Administrator must seek to stimulate vigorous discussion in the society which integrates environmental quality along with all other socio-economic factors in our contemplation of the future. In this regard, he must endeavor in his own Agency and in government to produce the best possible evidence in scientific, technical, economic, and social terms of the consequences of our anticipated actions in order that society may resolve its decisions about the future based on an assessment of all pertinent facts.

The following papers present much of the record and aspiration of the Environmental Protection Agency since its inception two years ago. They reflect the views of those to whom the management of essential programs has been delegated, as well as my own views. For in the last analysis, it is the Administrator to whom is entrusted the policy direction for all of the activities of this Agency.

William D. Ruckelshaus
Administrator

ORGANIZATIONAL AND FUNCTIONAL OVERVIEW
OF THE ENVIRONMENTAL PROTECTION AGENCY
DECEMBER 1972

A. CURRENT ASSIGNMENT AND OBJECTIVE

In calling for an independent Federal agency to confront environmental problems on a comprehensive basis, Roy L. Ash, Chairman of the President's Advisory Council on Executive Organization, pointed to the dearth of legal recourse and the fragmented Federal programs dealing with the environment (July 1970). Reorganization Plan No. 3 of 1970 provided authority and a nucleus of technical capabilities for pollution abatement and control. Functions to be transferred from Agriculture, HEW, Interior, the Atomic Energy Commission, and the Federal Radiation Council included activities related to air and water quality, radiological health, pesticides, and solid waste management. The reorganization plan met with success in the Congress and the new agency became operational on December 2, 1970.

B. CURRENT STATUS

- Initial Organizational Steps

On December 4, 1970, William D. Ruckelshaus was sworn in as the first Administrator of EPA. An organizational Order was published, providing for the designation of Assistant Administrators for Planning and Management, Standards and Enforcement and General Counsel, and Research and Monitoring. Thus, three of the five Executive Level IV Assistant Administrators provided by Reorganization Plan No. 3 were to be utilized as functionalizing forces in the Agency's management, regulatory, and research programs. The five principal categorical programs--air, water, pesticides, radiation, and solid wastes--were retained individually under the management of commissioners. This was done to assure continuity of program operations and to allow additional time to consider the eventual structural reconfiguration of the operating programs. Also at this time, ten regions were established with boundaries to be defined at a later date.

- Further Reorganization

On April 30, 1971, the Administrator announced a permanent organizational structure for EPA. In addition to the functionalization achieved in Enforcement and General Counsel, Planning and Management, and Research and Monitoring, he grouped the five operating program offices under two additional Assistant Administrators. Pesticides, Radiation, and Solid Waste Management were placed under an Assistant Administrator for Categorical Programs. Air Programs and Water Programs were placed under an Assistant Administrator for Media Programs (later changed to Air and Water Programs). While the individual identities of these operating programs were retained, the commissioner-type management was replaced by Assistant Administrators with national program-operating responsibilities rather than staff roles.

On June 28, 1971, the Administrator announced a strong ten regional office organization with boundaries and regional city locations patterned after the President's Standard Federal Regions for the social agencies.

- Current Organization of EPA

The current organizational structure of EPA consists of the five principal offices at Headquarters headed by Assistant Administrators.

- Air and Water Programs
- Categorical Programs
- Enforcement and General Counsel
- Planning and Management
- Research and Monitoring

There are staff offices in the Office of the Administrator, with responsibilities in the areas of Civil Rights and Urban Affairs, Federal Activities, International Activities, Legislation, and Public Affairs. In addition to the regional offices, there is a field system which carries out the national research program, consisting of four National Environmental Research Centers at Cincinnati; Corvallis, Oregon; Las Vegas; and Research Triangle Park, North Carolina. The Agency's operating research laboratories are assigned to these Centers.

- Organizational Overview by Component

Staff Offices

- Office of Civil Rights and Urban Affairs

This office, originally designated as the Office of Equal Opportunity, was organized formally on January 24, 1972. The new title and restructuring of this office envisions an expanded scope of functions and additional programmatic involvement beyond the traditional equal employment opportunity orientation.

- Office of Federal Activities

At the direction of the Deputy Administrator the Office of Federal Activities was created late in 1971. The principal function of OFA is to provide a Headquarters-level focal point for the development of policies and procedures to assure timely, orderly, and comprehensive development of EPA generated environmental impact statements, EPA review of other agency generated impact statements, and implementation of EPA's responsibilities under the Federal Facilities Program. At the same time, the Agency's regional offices and program offices at the Headquarters are becoming increasingly involved in the development and review of impact statements.

- Office of International Activities

The Office of International Activities' formal organization was approved on May 30, 1972. The slowness of formalizing this office was attributable, in large measure, to the definition of a "programmatic" role for the Office of International Activities in addition to its responsibility for providing the Agency interface with the Department of State, its constituent agencies, and the foreign diplomatic community, including foreign visitors.

- Office of Legislation

This Office, in its present configuration, plays key role in the areas of legislative planning and development and intergovernmental relations in addition to the customary Congressional liaison functions.

- Office of Public Affairs

The Office of Public Affairs came into existence with an inherited staff of approximately 150. Geographic, skill/mix, and structural anomalies in this inheritance inhibited a rapid assimilation and organizational structuring of the staff and its functions. This problem has been ameliorated with time and the establishment of public affairs divisions in the regional offices. The Office has been given a programmatic mission in addition to the traditional public information office functions. This is evidenced by its environmental education and citizen participation programs.

Office of Enforcement and General Counsel

The formation of the Office of Enforcement and General Counsel was a major step toward the functionalization of the Agency's programs. The Office achieved early success, both in terms of announcing water enforcement actions in the first days of EPA and completing its internal organizational structure. The Office inherited compliance and enforcement components from the previous water, air, and pesticides organizations. Originally, the Office was to conduct all standard setting functions but this responsibility was assigned to the Program Offices in April 1971.

The General Counsel function is separate from the enforcement portions of the organization and provides legal support common to other Federal agencies. The enforcement arm is represented by two line offices--Water Enforcement and General Enforcement--and two staff offices--Refuse Act Programs and Technical Analysis.

Office of Planning and Management

The Environmental Protection Agency inherited 5,400 employees, 157 geographical locations, and a ready-made budget of \$1.4 billion

in December, 1970, from components of Agriculture, Health, Education, and Welfare, Interior, the Atomic Energy Commission, and the Federal Radiation Council. The immediate organizational concern was to mold these fragmented and in some cases weak components into a single interrelated agency system. The Office of Planning and Management, the planning, administrative, and resource management arm of EPA, was designed to play a central role in meeting this challenge.

Three principal offices under Deputy Assistant Administrators, with operating divisions, and several staff level offices are constituted as follows:

- Administration

Personnel, grants administration, management and organization, security, contracts, management information and data systems, and support systems comprise the Office of Administration. This office has been the primary Agency vehicle for administrative services and management control.

- Planning and Evaluation

The Office of Planning and Evaluation provides a central staff capability for economic impact analysis, long range planning, program evaluation, and the development and coordination of environmental standards and regulations.

- Resources Management

The Office of Resources Management develops the Agency budget and manages EPA's financial resources. A planning structure of "program elements" facilitates cost data comparison and program analysis to assure compatibility with Agency program goals. Important responsibilities of this Office include accomplishment plan coordination and review and program progress reporting.

- Other Staff Offices

The Office of Audit is an independent source of program review for senior Agency officials and liaison with the General Accounting Office. Executive Recruitment assesses Agency needs for and conducts searches for senior level personnel. Education and Manpower Planning coordinates EPA involvement in environmental manpower and education programs.

Office of Research and Monitoring

The organization of the Office of Research and Monitoring is divided into four distinct groups--the Offices of Research, Monitoring, and Program Operations, and the National Environmental Research

Centers (NERC's). The first three groups are centralized in Headquarters. The NERC's consist of centralized laboratories in Research Triangle Park, North Carolina; Cincinnati, Ohio; Corvallis, Oregon; and Las Vegas, Nevada. Each of the first three centers is responsible for managing satellite laboratories which are appended to the Center on the basis of program interrelationships with the primary Center mission--health effects (North Carolina), environmental engineering (Cincinnati), and ecological systems (Corvallis). The three Headquarters components also have management responsibilities in the technical direction of laboratory staffs.

The Agency Laboratory System

EPA's complex of field laboratories falls in two general categories --regional laboratories and national laboratories.

To strengthen the Agency's commitment to decentralization each regional office has a self managed laboratory capability to support investigative and analytical efforts in monitoring, enforcement, and permit programs. These laboratories also provide technical assistance to State and local governments.

The national laboratories are subdivided in two distinct categories --the Research Laboratories and the Program Support Laboratories.

The Research Laboratories are organized by the Assistant Administrator for Research and Monitoring on a research theme basis, with a major central laboratory specializing in a single theme. There are four centers, three of which have satellite laboratories, complementing the center theme. The Program Support Laboratories conduct specialized analytical programs which are not research oriented or geographically restricted in scope.

In-house management studies during the past year have resulted in the following actions:

- . Water supply and stationary source pollution control research programs were transferred to the Assistant Administrator for Research and Monitoring from the Assistant Administrator for Air and Water Programs.
- . The monitoring roles for atmospheric surveillance were defined, and resource transfers were made to the Assistant Administrators for Research and Monitoring and Air and Water Programs.
- . Pesticide laboratory programs were analyzed with resultant definition of program support functions and regional functions. Consolidation of program support functions has been initiated. The recommendation to transfer the pesticide product sample analysis function to the regions is being considered by the Office of Pesticides Programs.

- . Implementation of an in-house study of EPA's laboratory resources will result in strengthening the regional capability and consolidating many of the widely dispersed research laboratories.
- . Several studies of the management of administrative servicing of field laboratories resulted in unified management of administrative services for the National Environmental Research Centers and their associated laboratories.

Office of Categorical Programs

The Office of Categorical Programs presents somewhat of an organizational anomaly in that it provides a "holding company" for those Agency programs which are least amenable to functionalization and which have relatively few program interrelationships and trade-offs. At present, these include pesticides, radiation, solid waste management, and most recently--the newly authorized noise program. These programs represent at the same time some of the Agency's most sensitive and some of the least authoritative.

- Pesticides Programs

Reorganization Plan No. 3 of 1970 provided for the transfer of pesticide-related functions to EPA from three departments--Health, Education, and Welfare; Interior; and Agriculture. These functions fell into three basic program missions and a number of information-producing activities which support one or more of these program missions. They are:

- . standards development
- . registration of products in conformance with established standards
- . technical assistance to States and others
- . information-producing activities including monitoring, accident investigation, special library services, scientific publications, epidemiological studies, and laboratory testing of products.

These functions were organized into a Pesticides Office on a "crash" basis because of the critical status of the program at the time of the creation of EPA, and to avoid backlogs in the overburdened registration process. As a follow-up to the initial organizational effort, a detailed study was made of the Office of Pesticides Programs. A reorganization of the Pesticides Office into three major divisions was recommended: Criteria and Standards, Product Registration, and Technical Services (included technical assistance and information

producing activities). Implementation of the reorganization was delayed because of personnel problems; however, a new organization was promulgated in July of 1972. It followed the recommended structure except that the Technical Services function was split into two groups.

- Radiation Programs

Reorganization Plan No. 3 of 1970 transferred to EPA all functions of the Bureau of Radiological Health, Department of Health, Education, and Welfare, except those related to radiation from consumer products, radiation as used in the healing arts, and occupational exposures to radiation. In addition, responsibility for establishing environmental standards for the protection of the general environment from radioactive material was transferred from the Atomic Energy Commission.

The Office of Radiation Programs is currently responsible for the development of radiation protection criteria, standards, and policies; methodology for measuring and controlling radiation exposure; and research requirements for radiation programs. It provides technical assistance to States and other agencies having radiation protection programs; establishes and directs a national surveillance and inspection program for measuring radiation levels in the environment; and evaluates and assesses the impact of new and developing radiation technology on man and the environment.

- Solid Waste Management

In 1970 the Bureau of Solid Waste Management (HEW) was transferred in toto to EPA. The research-oriented programs, after resolution of definitional problems, became a part of the Office of Research and Monitoring, with the remainder of the program becoming the Office of Solid Waste Management in the Office of Categorical Programs.

Initial difficulties were encountered in establishing supervisory relationships due to the split in physical location. The major portion of the operating program was located in Cincinnati while the top management staff was located in Washington. This problem was overcome by transferring a number of personnel to Washington and reorganizing. This resulted in two divisions (Operations Analysis Division and Resource Recovery Division) and the immediate office of the Deputy Assistant Administrator being located in Washington. The Technical Information Staff and two divisions (Systems Management Division and Processing and Disposal Division) remained in Cincinnati.

The program now consists of the following major responsibilities:

- . demonstration projects

- . guidelines and standards
- . consultation, advice, and technical assistance
- . a national solid waste data network
- . criteria for the development of standards, ordinances, legislation, and codes.

- Air and Water Programs

The Office of Air and Water Programs was formed by the combination of the Federal Water Quality Administration, Bureau of Water Hygiene, and the National Air Pollution Control Administration. These three programs made up the largest portion of the operating programs and resources transferred to EPA. Upon establishment of the Office, large portions of the programs and resources were transferred to the Assistant Administrators for Planning and Management, Research and Monitoring, and Enforcement and General Counsel, and to the Regional Administrators.

The loss of major programs and resources and its integration into the EPA's structure forced a major reconfiguration of the Office and the formation of new relationships internally and with the rest of the Agency.

An internal organizational structure was approved, consisting of an Assistant Administrator for Air and Water Programs with two Deputy Assistant Administrators, one for Air Programs and one for Water Programs. Many of the initial difficulties faced by the Office of Air and Water Programs resulted from definitional problems--what comprised research, enforcement, and regional responsibilities. Now, most programs in question have been transferred to the appropriate organizations.

Following the completion of a study on the impact of new water pollution control legislation and appointment of a new Assistant Administrator, a significant reorganization occurred on July 14, 1972, in the structure of the water programs and the immediate office of the Assistant Administrator. The water revision created deputy assistant administrators for water programs operations and water planning and standards. Changes also have occurred recently in the air organization with the upgrading to the deputy assistant administrator level of the two previous "bureaus"--mobile source and stationary source programs.

- Agency Regional Offices

EPA Regional Offices were provided for in the original Agency organizational structure. Initially, however, they operated as a

collection of inherited programs under Interim Regional Coordinators. The inherited programs consisted mainly of water quality activities--the most important of which was the construction grant program. In June of 1971, a standard regional organizational structure was established and regional boundaries and headquarters locations were identified. These regional boundaries and headquarters locations conformed to the standard ten regional structure for social agencies established by the President.

EPA Headquarters is considered the source of policy and procedural guidance, performance monitoring, and accomplishment evaluation. The regional offices are treated as the focal point of program execution and integration for the Agency. Consequently, Regional Administrators--whose responsibility is directly to the Administrator of EPA-- have been given full line authority over regional activities. The EPA Regional Administrators exercise specific and complete program and administrative authorities for their regions, including:

- . State and local assistance grants--approval and disapproval of wastewater treatment facility construction grants, comprehensive basin planning grants, water pollution control State and interstate program grants, and air pollution control program grants;
- . technical assistance to State and local government;
- . certain enforcement and compliance regulatory actions, e.g., issuance of notices of violation of water quality standards to violators, bringing suits, etc.;
- . monitoring of pollutants and sources;
- . State implementation plans;
- . Public Information Activities;
- . General Administration.

C. IMPROVEMENT OPPORTUNITIES

The two most significant organizational categories where there are opportunities for improvement include possibilities for further functionalization and further decentralization. Examples of possible areas include:

Enforcement Program

Because of the dynamic enforcement posture of the Office of Enforcement and General Counsel there has been constant pressure to make it more independent and self-contained. This is evident in

questions which have arisen over how much authority and direction the Assistant Administrator has in relation to the regional surveillance and enforcement operations. This issue is one aspect of the broader question of how Regional Administrators should relate to the Assistant Administrators. Perhaps the most controversial aspect of this issue has been the potential for decentralization of the two water-oriented National Field Investigation Centers inherited from FWQA and under Headquarters control. An important consideration in evaluating these matters is their effect on the degree of interdependence sought by functionalization versus the increased demands on very limited resources required by an independent operation.

Research and Laboratory Programs

An area where much can be done in contributing to the accomplishment of the Agency's mission is the achievement of an optimum balance between national research program priorities and research support of Program Office and regional operating programs.

Management of the Agency's widely dispersed laboratory system has created a variety of problems in organization and administration. A concerted effort over the past 15 months has resolved some problems and begun the solution of others. The major problem has been identification of what constitutes research, program support, and regional laboratory functions in order to assure proper organizational placement. This identification needs to be continued. Implementation of a viable laboratory plan will contribute significantly to Agency programs and more efficient utilization of limited resources.

Air and Water Programs

The overriding issue for the Office of Air and Water Programs is the amount and degree of further decentralization. With expectations of limited additional resources, a fundamental decision may be required which could have a potentially substantial organizational impact.

In the mobile source programs, concentrated in Ann Arbor, Michigan, there remains a question as to the organizational location of the program's research aspects--its major mission. A decision not to functionalize was made early due to the critical nature of required regulatory actions and a desire to avoid disruption of operations.

Regional Opportunities

Sub-regional offices exist in some regions and not in others. Reactions to them range from considering them valuable for communications purposes to considering them detrimental because of the prospect of their "going native." (Indeed, another view within the Agency is that even a little "going native" is good in that it would foster new

federalism.) Obviously this issue needs further attention. While it is unlikely that EPA needs local area offices, such as those of HUD, it is possible that sub-regional offices oriented to State boundaries could be extremely helpful, both to EPA and to the States.

A major issue is the extent to which regional office organization structure should or should not be uniform among regions, and whether or not that structure should reflect Headquarters. Some Headquarters people consider uniformity necessary for ease of communications. Regional office people indicate that problems differ so from region to region that uniform organizational structures are artificial and restrictive. Regional offices need a certain amount of organizational latitude to address specifically regional problems. Accountability also needs to be maintained. Yet, there clearly is no consensus that direct counterpart organizations are necessary to achieve accountability. There is considerable belief that a functional type of organization as compared to a categorical type would permit both the flexibility believed necessary by the regions and the tracking line believed desirable by Headquarters.

D. STEPS TO ACHIEVE IMPROVEMENTS

A sound basis has been provided for further decentralization and functionalization. Next steps required to achieve these additional measures include:

- +- a careful and detailed assessment of the programmatic improvements possible balanced against additional costs which may need to be incurred initially;

- attaining the necessary approvals by and accommodations with Congressional interests, particularly the Agency's appropriations subcommittee;

- implementing actions which carefully provide for acceptance and cooperation by concerned State and local agencies and environmental interest groups.

DECENTRALIZATION IN EPA: THE REGIONAL APPROACH

Under the President's overall program of the New Federalism, the Environmental Protection Agency has decentralized major aspects of its operations. To date, decentralization has produced numerous benefits. It also poses a number of issues which could be resolved during the next four years, and which would result in an even stronger decentralized operation in the Agency. This paper briefly addresses the nature of EPA decentralization, notes some of the major benefits resulting from this operational mode, and presents the issues in decentralization upon which top management in the Agency might focus.

I. The Decentralization Philosophy

Decentralization in EPA is an extension of the Administration policy which led to the creation of the agency.

The establishment of EPA under Reorganization Plan 3 in December, 1970, reflected the President's concept "that the executive branch of the government should be organized around basic goals." Subsequent organizational and managerial decisions within EPA were structured to implement the President's policies under the New Federalism. These policies, articulated in the Federal Assistance Review (FAR), revenue sharing, grant consolidation, governmental reorganization, Federal Regional Council and other Administration initiatives are directed at increasing the effectiveness of government by reversing the flow of power to Washington and moving decision-making closer to the people. Implementation of these policies requires:

1. The decentralization of Federal assistance activities and program authorities;
2. The transfer of appropriate functions to State and local governments or the sharing of functions in a partnership role coupled with increased sensitivity by the Federal Government to State and local priorities; and
3. Improvements in Federal assistance mechanisms in order to enhance the capacity of State and local governments to carry out their responsibilities.

EPA has been in the vanguard of executive agency response to the Administration's thrust, partly because of the propitious timing of its establishment and partly because the nature of its mission and statutory requirements mandate a close interdependency of Federal, State, and local government.

It follows therefore that the organizational concept of EPA should provide a strong regional structure as a focal point for agency program execution and integration with the capacity to deal directly and conclusively with State and local officials. To accomplish this, physical decentralization has been accompanied by a substantial decentralization of authority to supergrade Regional Administrators who are responsible directly to the Administrator of EPA. Within the policy and procedural guidance received from Headquarters, the regions by virtue of proximity are in a position to respond with greater sensitivity to the variables of State and local priorities. Headquarters in turn retains the responsibility to measure performance and evaluate accomplishment. In a larger framework the establishment of 10 regions co-located with the major domestic agencies enable EPA Regional Administrators to act in concert with their peers whether through the coordinating mechanism of the Federal Regional Council or in more routine interaction with other Executive agencies.

It should be clear, however, that the decentralizing of existing functions to the field is not our sole objective. Over the long-term, proximity, improved working relationships, sensitivity, and trust, and the development of mutual objectives will permit the more rapid devolution of Federal authority to State and local governments, strengthening the pluralism of our Federal system.

Decentralization demands clear policy direction and good communications, and it carries with it some risks for achievement of national objectives. The literature on the subject is limited and the process involves much experimentation. Clearly, the benefit of making federalism work is worth the risk. Since EPA is deeply committed to the decentralization effort, and our regions are in a sense laboratories for governmental improvement it is necessary that we continually assess the process, test our expectations against reality and identify our problems as well as measuring our successes.

II. The Nature of EPA Decentralization

Physical Decentralization vs. Decentralization of Authority. In understanding decentralization in the Environmental Protection Agency, it is important to distinguish between two types of decentralization: "physical decentralization" and "decentralization of authority." Physical decentralization simply involves locating people and other resources outside of Washington, D. C.

Through its system of regional offices, National Environmental Research Centers, and satellite laboratories, EPA has located 70 percent of its 9000 employees in the field--approximately 3000 in

regional offices and 3400 at NERCs and other field locations. However, physical location is only part of decentralization. True decentralization requires that physical location of resources in the field be accompanied by a substantial decentralization of authority. Decentralization in EPA reflects this, being founded on systematic delegation of authority to the Agency's regional offices so that those offices may deal directly and conclusively with State and local officials.

The Initial EPA Decentralization Concept. The concept of decentralization in EPA depicts headquarters as a source of policy and procedural guidance, performance monitoring, and accomplishment evaluation. The regional offices are treated as the focal point of program execution and integration for the Agency, with Supergrade Regional Administrators--whose responsibility is directly to the Administrator of EPA--exercising specific and complete program and administrative authorities for their regions, including:

- a. State and local assistance (including grant and technical assistance);
- b. Certain enforcement and compliance regulatory actions, e.g., issuance of notices of violation of water quality standards to violators, bringing suits, etc.;
- c. Monitoring of pollutants and sources;
- d. State implementation plans;
- e. Public information activities; and
- f. General administration.

Under the Agency's decentralization concept, the Regional Administrators also are involved in the fund allocation and policy decision-making processes of EPA, and hold membership on the 10 Federal Regional Councils established by the President.

III. Benefits of Decentralization

EPA Regional Administrators exercise final authority over 90 percent of the EPA grant programs and over 80 percent of the total EPA budget, most of which is accounted for by construction grant authorities--\$2 billion of the total EPA FY 1973 budget of \$2.48 billion (major authorities have been listed in section I). In addition, the regional offices account

for some 3000 EPA employees. One of the basic reasons for decentralization, of course, is to bring Agency resources and authorities closer to the problems they are intended to help resolve; the theory being that geographic proximity is valuable in problem recognition and resolution. Is this proving to be the case? Apparently it is. Specific benefits already are resulting from decentralization.

Comprehensive Environmental Grants. EPA decentralization has placed authority to award most EPA State and local assistance grants in the hands of the Regional Administrators. Before decentralization, these same authorities were exercised by several different headquarters program officials. Because the RA now exercises these authorities, marked strides have been possible in the areas of environmental program integration and the overall environmental approach to the solution of pollution problems. This year, EPA's first comprehensive environmental program grants have been awarded as pilot projects designed to test a totally new EPA grant delivery system. The pilot projects were developed as cooperative undertakings between four EPA regional offices and the States of Hawaii, New York, Utah, and Washington. Initiation of the pilot projects, which combine into one grant previously separate grants for the management of air pollution control, water pollution control, and solid waste management programs, was greatly facilitated by decentralization. The regional offices not only negotiated directly with the States, but were able to carry those negotiations through to a fruitful conclusion because of their delegated authorities. (As an aside, the new system has resulted in a 71 percent decrease in paperwork for the States as compared to their grant submissions of the previous fiscal year.)

Cooperative Regional Office/State RAP Program. EPA Region X and the Oregon Department of Environmental Quality have established a cooperative State/Federal waste discharge program and established policies and procedures for issuance of municipal and industrial waste discharge permits in Oregon. The agreement was made possible because EPA authorities under the Refuse Act Permit Program were delegated to the Regional Administrators and the RA in Region X opted to try a novel approach. Under the terms of the agreement, the Federal and State entities share the responsibility for review and preparation of the permits, and the State agrees to issue permits which are consistent with Federal legislation, regulations, and guidelines.

Regional Office/State Cooperative Grant Application Review. EPA Region X and Washington State have agreed on specific review parameters

acceptable to both parties, and have jointly established a procedure whereby the State reviews half of all incoming plans and specifications, and EPA the other half, under the Agency's construction grant program, eliminating all duplication of effort. The State issues an approval letter on projects it has reviewed and sends a copy to Region X. The Regional Office subsequently issues a similar approval letter, without having duplicated the State review of the plans and specification.

California Certification Program. A similar program has been developed by EPA Region IX and California. In Region IX, California currently reviews all waste treatment facility construction plans and specifications, using a checklist developed by State and Federal staff. The EPA Regional Office has agreed to accept the State's review of plans and specifications and thereby eliminates a major duplication of effort. Region IX staff continue to review for project eligibility and to determine that certain Federal requirements are met. Federal personnel now seldom review technical portions of the plans and specifications after they are reviewed by the State.

FRC Cooperation in EPA Enforcement Action. EPA Region VI has been able to obtain multi-agency cooperation in regard to an EPA enforcement action in New Orleans through the Federal Regional Council. After negotiations with the city of New Orleans by both the State of Louisiana and the EPA Regional Office did not achieve a satisfactory response, an enforcement action was initiated by the region. In addition, a letter to the city was signed by all members of the FRC, and the Department of Housing and Urban Development Regional Office has initiated action to withhold HUD grant funds from the city until the situation is satisfactorily resolved.

Joint Planning with State Governments. EPA decentralization has provided the Agency with a valuable opportunity for improving relationships with State and local governments. Region VII has begun to take advantage of this by seeking State government review and comment on its accomplishment plans. For FY 1974, the regional office will circulate its plans to all States in the region before the plans have been finalized. The regional office also will be trying to reflect State efforts as well as those of EPA in FY 1974 plans.

General Value of Decentralization to Achievement of Agency Objectives. Although adequate evaluation mechanisms are one of the remaining issues under EPA decentralization, the general value of decentralization to the achievement of Agency objectives already has become readily recognizable. This is especially the case in the pesticides enforcement area where Agency officials note that decentralization has been and

continues to be a necessity, and that program goals and objectives are being met and exceeded under decentralization.

IV. Issues in EPA Decentralization

EPA has made considerable progress in the area of decentralization. However, there are still elements of the Agency's decentralization marked by a series of created tensions and the balancing of those tensions. The Regional Administrator is required to balance his enforcement and assistance roles. Headquarters and the regional offices must achieve some balance between national and regional objectives and priorities; between headquarters' desires for uniformity and consistency and the regional office desire for operational latitude; and between categorically separate national program aims and the aims of EPA program integration in the regions. In addition, by bringing the Federal Government into such proximity to State governments, decentralization also emphasizes the tension that occasionally arises when Federal and State environmental protection objectives and priorities are not in harmony. Tensions such as these can prove exceedingly beneficial to the Nation's anti-pollution efforts by forcing intelligent and creative people to cooperate with one another and balance the various perspectives which they bring to bear on environmental problems. The theme of tensions and balances underlies most of the issues remaining in EPA decentralization. Consequently, of the most significant and valuable efforts which can be made during the next four years is to keep the tensions surrounding decentralization creative and constructive. Specific issues remaining in EPA decentralization are addressed below:

Authorities Delegated to the Regional Offices. As noted previously, substantial amounts of authority have been delegated to the EPA regional offices. Most of this authority is related to the Agency's efforts to control water pollution. Delegated authority related to other aspects of the EPA mission, by comparison, has been limited. Consequently one of the issues remaining to be addressed is what additional authority should be delegated to the regional offices under decentralization. The Agency could do this by examining its remaining centralized activities systematically to determine which might appropriately be decentralized and how over the next four years. Categorical Programs and Air Programs are among those that should be examined.

Headquarters Policy Role. After more than a year of experience with decentralization, there is still confusion about what the policy role of headquarters is supposed to be. How specific should policy be? How much regional office latitude should be built into it? There is

some regional office concern that the "policy" issued by headquarters is so detailed as to be restrictive, precluding regional office latitude and judgment. Other regional office personnel indicate that in some area headquarters policy does not go far enough and does not reach the regional offices in a timely enough fashion. National Program Managers at headquarters see national objectives and priorities and consequently see a need for a certain amount of consistency and uniformity among similar programs in different regions. There is some validity to each of these positions. The point that becomes evident is that there is a need to clarify the meaning of the headquarters policy role under decentralization. Clearly, National Program Managers and National Policy provide an overview that is necessary in an agency operating under decentralization. Balancing these with the equally important need for some operational latitude for the regional offices is one of the most significant decentralization issues with which the Agency should deal.

Regional Office Involvement in Developing National Policy. Closely related to the headquarters policy role issue is the issue of regional office participation in National Policy setting. What is the appropriate extent to which regional offices should be involved in establishing the national policies and objectives of the Agency? In general, EPA regional offices are involved to some extent in the development of National Policy--they normally have an opportunity to comment on major policy drafts. Views on regional involvement in policy development range from the position that unique situations and exceptions among regions require considerable regional input rather than a "nation-wide cookbook" approach to policy from headquarters, to the position that current involvement is already more than the regional offices can handle. The Agency can resolve both this issue and the previous one in the near future by promulgating a clear definition of the term "policy" and by defining the appropriate headquarters and regional office roles in the policy arena.

The Resource Allocation Process. Although the EPA regional offices may exercise considerable program authority, decentralization may be constrained if "purse-strings" are controlled in Washington. At the present time, the resource allocation process in EPA involves both the regional offices and National Program Managers at headquarters. At issue is what is the appropriate extent to which each of the parties should be involved in the process. Regional offices indicate they are constrained in developing balanced environmental programs by the second-guessing about objectives and priorities that resource control

by National Program Managers permits. Yet the National Program Managers also serve a valid function by promoting their particular program areas. It is also the National Program Manager who must justify budget requests to Congress. Effective decentralization is predicated on the Agency's ability to balance these two perspectives on the use of resources. This could be accomplished through top management support for a resource allocation system in which headquarters would provide planning guidance and Regional Administrators would make final allocations of available resources to their program elements. Under such a system, Regional Administrators would be held accountable not for placement of resources but for achievement of objectives consistent with National Policy.

Information and Accountability Systems. A good two-way information system and a meaningful accountability mechanism--clearly interrelated--are prerequisites for responsive and effective decentralization. This is another of the issues EPA must address as it attempts to strengthen its decentralized operations during the next few years. At present, exchanges of information tend to be on a case-by-case basis and are of inconsistent quality. In regard to accountability, the Agency might consider shifting from emphasis on where resources are placed to a results or accomplishments orientation (see above). Once this is done, regional offices would have complete operational latitude, within the framework of agreed upon objectives. The Agency has begun to move in this direction with the institution of an Accomplishments Planning System which includes quarterly reporting on progress being made toward pre-stated objectives. Further refinement and sophistication of this system should be stressed by Agency management.

Overcoming Regional Office Resource Constraints. As noted previously, some 3000 EPA personnel are assigned to regional offices. Yet the demands on regional offices, in terms of new and increasing environmental programs and administrative requirements, strain the resources available. Overcoming regional office resource constraints can be accomplished over time by emphasizing regional allocation upon acquisition by the Agency of additional staffing authorizations. However, it might be possible to overcome such constraints more rapidly by shifting some existing headquarters resources to regional offices. This would of course require changes in headquarters' operational patterns which may or may not be practical. Agency commitment to a decentralization mode makes it necessary for top management to examine such a possible approach closely in the near future.

State and Local Involvement in EPA Plans and Operations. The New Federalism and decentralization of Federal activities are intended in large part to bring power closer to people and problems. Consequently, an issue in EPA decentralization is the appropriate extent of State and local government input to the achievement of a balanced national environmental program. There is general recognition throughout the EPA regional offices that State and local government involvement is needed for environmental program operations to be successful. Yet regional office efforts to achieve such involvement vary considerably. At this point in time, it seems that the Region VII approach to involving State governments in EPA, described earlier, will prove to be quite valuable. Determination of the benefits of State input in Region VII and institution of similar approaches in the other regions should be addressed in the near term.

Decentralization Beyond the Regional Office Level. If decentralization to regional offices is desirable, what about decentralization to sub-regional offices? The answer to this question in EPA is not clear. Sub-regional offices exist in some regions and not in others. Reactions to them range from considering them valuable for communications purposes to considering them detrimental because of the prospect of their "going native." (Indeed, another view within the Agency is that even a little "going native" is good in that it would foster new federalism.) This issue needs further attention during the next four years. While it is unlikely that EPA needs local area offices, such as those of HUD, it is possible that sub-regional offices oriented to State boundaries could be extremely helpful, both to EPA and to the States.

Regional Office Organization Structure. A major issue in decentralization is the extent to which regional office organization structure should or should not be uniform among regions, and whether or not that structure should mirror-image headquarters. Some headquarters people consider uniformity necessary for ease of communications. Regional office people indicate that problems differ so from region to region that uniform organizational structures are artificial and restrictive. All views of the issue are constrained by the practical consideration of personnel givens-- to some extent organizations are tailored to fit existing personnel. Obviously, for decentralization to work as well as it can, regional offices need a certain amount of organizational latitude to address specifically regional problems. Accountability also needs to be maintained. Yet, there clearly is no consensus that direct counterpart organizations are necessary to achieve accountability. There is considerable belief that a functional type of organization as compared to a categorical type would permit both the flexibility believed

necessary by the regions and the tracking line believed desirable by headquarters. This issue merits careful consideration by top management over the next four years.

Environmental Program Integration. A precipitating factor in the creation of EPA was the President's desire to integrate the environmental programs of the Federal Government, the theory being that the interrelated nature of environmental problems requires integrated or coordinated approaches for solution. At the present time, the Agency's Regional Administrators are the focal points for program integration within EPA. Decentralization of authorities to the Regional Administrators has given them this role. One of the major issues facing top management during the next four years will be determining the extent to which program integration in the regional offices should be actively fostered and supported by headquarters which currently remains at least partially aligned on a categorical basis unconducive to program integration. The tensions and balances theme again is evident in this issue.

Individuals' Attitudes Toward Decentralization. In the final analysis, the main issue in decentralization is the attitude of those involved in it. Historically, the regional operations of the programs comprising EPA were considerably weaker than they are now. For various reasons, some people in regional and headquarters offices may be uncomfortable with strong decentralization. This could create serious reluctance in the regional offices to exercise them. This is undoubtedly the most serious hinderance to an effective decentralized operation, and cannot be ignored by top management committed to decentralization as the best way to accomplish agency objectives.

Deputy Administrator, Environmental Protection Agency

Since its inception in December, 1970 -- and the appointment of its first Deputy Administrator in June, 1971 -- the Environmental Protection Agency (EPA) has operated in a unique situation that has placed special requirements on its top management. Understanding this situation is essential to understanding the role of the Deputy Administrator, and probably of all the Presidential Appointees in EPA.

The Agency is a merger of 15 fragments of 5 agencies, but without any preexisting parent organization by which these fragments could be absorbed. The organizational chaos caused by this unusual merger was further complicated by the decision -- rightly taken -- to integrate the merged organizations and simultaneously to decentralize major operations to our ten regional offices. Thus, EPA did not become a holding company of Washington-based, fully self-contained operating administrations. But the organizational disruption and staff displacement caused by this decision exacted a significant cost, albeit for an even more significant benefit.

Complicating this organizational problem has been the growth in the size and scope of EPA. Staffing has grown over 60 per cent in less than two years, and has been accompanied by an equivalent growth in budget. The grant program for sewage treatment plants grew from one billion to two billion dollars. Since the inception of EPA, three programs (air, water, and pesticides) have received major new legislation, and two new programs (ocean dumping and noise) have been legislatively established. Three other programs (water supply, solid waste, and toxic substances) were legislative near-misses in the last Session and will certainly be considered in the next. Only the radiation program has been untouched by legislative change.

Finally, these massive changes of organization, program growth, and legislative mandate have all impinged on EPA at the time when public expectation for tangible results in environmental improvement have been at an all time high. So despite the desirability of having the leisure to absorb these massive changes in our own environment, we have had to produce simultaneous visible forward motion in the protection of the natural environment.

With this perspective in mind, the following sections (which vary slightly from the standard format) describe: (1) my current assignment; (2) its present status; (3) opportunities and steps for fulfilling the original

objectives of this assignment; and (4) new opportunities for the role of the Deputy Administrator.

Current Assignment

On assuming this assignment, I had three major objectives. They seem as valid now as they did two years ago.

1. Provide day-to-day direction of Agency efforts to ensure that its near term commitments were met.
2. Build EPA into an effective organization aimed at a new and consistent set of environmental objectives. This objective involves building the organization structure, developing key management processes, redirecting old programs, and conforming resource allocations to new program objectives. It also requires a major effort to get ahead of current pressures and to establish long term goals for the Agency.
3. Forge a workable relationship with other federal agencies. EPA programs are a constant irritant and constraint for other federal programs, and it is important to place our necessarily unpopular role into a constructive context.

These objectives are not easily distinguished from the Administrator's own objectives, and the role of the Deputy Administrator is correspondingly undifferentiated. No written and precise description of the Administrator's role and the Deputy Administrator's role exists, or has been attempted. In general, the Administrator represents the Agency to the outside world, provides political insight and policy guidance, and makes the regulatory decisions. The Deputy Administrator is involved more in program and budget issues, organizations and systems development, and the day-to-day administration.

This lack of precision in role definition is, however, desirable. In a functional, decentralized organization of the type EPA has adopted, top management must provide a good deal of active direction to get things done. Both the Administrator and Deputy Administrator must therefore take an active management role. Close cooperation, some interchangeability, and the absence of artificial barriers between the Administrator and Deputy Administrator are essential to the proper functioning of the

Agency. There is no question that the Administrator runs the Agency, but this particular Deputy Administrator has been blessed by a superb working relationship with his boss. Whoever the incumbents to these positions, the structure of the Agency is such that this kind of relationship is prerequisite to the Agency's success.

Status Of The Assignment

In my judgment, the bulk of what I set out to do in this assignment has largely been done, or will be by Spring. There is much yet to do, but progress has been reasonably satisfying. The problems remaining to be solved are covered in the next section. The following describes what has already been accomplished.

First, I believe the role of the Deputy Administrator as a decision-maker and operating manager has been well established in the Agency. Most programs, budget, and organizational decisions clear through here. Many of the Administrator's decision memorandums pass over this desk, as well. I do not make anything like all the decisions, but the decisions I do make appear generally to be recognized as final.

Programmatically, substantial redirection of the pesticides, radiation, and solid waste programs have been achieved -- largely under the direction of the Assistant Administrator for Categorical Programs. The research program has not grown, but has been substantially changed and now emphasizes health effects research and longer term research into the root causes of environmental problems. New resources have been pumped into the enforcement program and the regional offices to strengthen the cutting edge of our operations. Headquarters staff has been held reasonably in check, but should be reduced in the future. And by Spring we should have for the first time three to five year strategies for each of our major programs.

Basic organization structure is at last in place, and the major turf fights are over -- a few continue to simmer, but are no longer big issues. Decentralization is a living thing, imperfect but no longer fragile. And most importantly, people are beginning to understand how to work in this new organization structure.

Program budgeting has become increasingly less chaotic. The basic program budget system is now designed, and will run for the first

time completely this year; importantly, this cycle will include a strategy planning phase. With care, the system should prove out in actual operation by May.

Other major systems will also come on line in the Spring. A sensible management control system that measures tangible accomplishments should be available by the first of the year. The important internal procedure for setting standards is operating crudely and is being evaluated now; improvements should be implemented in the next two to three months.

Relationships with other federal agencies remain more tenuous than I would like. The Office of Federal Activities, established a year ago, has done much to calm things at the bureaucratic level. My membership on the Undersecretaries Group has helped, as well. Major problems remain in the interagency review of standards and regulations, but we have proposed to the Office of Management and Budget a new mechanism that should smooth out that relationship.

Opportunities For Improvement: Original Objectives

Much remains to be done to accomplish my original objectives. But I believe the main frame of an efficient Agency is in place, and future improvements should build on what has already been accomplished. The worst mistake in EPA would be to change the basic structure and systems at this time. Continuity and stability are essential after the organizational trauma through which we have gone.

Among the important future improvements is the need to tighten up on day-to-day management through the aggressive use of a management control system. This system, and the standards setting system, need careful attention to discipline, detail, and follow-up.

Organizationally, the work remaining to be done generally involves helping the staff to learn how to make basic EPA organization work effectively. Some special problems to be addressed are:

1. Clarifying regional/headquarters roles, and especially the role of the headquarters staff. Most Washington-based personnel are unaccustomed to a true staff role.

2. Systematizing decision-making at the top management level. A functional organization requires participatory policy making to some degree, and we have been too ad hoc in our approach to this problem.
3. Smoothing out key operating interfaces. For example, the responsiveness of our research operation to programmatic needs requires some work.
4. Developing and training senior and middle management.
5. Managing the long term evolution of the organization. Major organization changes are neither needed nor desirable now, but some important changes should evolve slowly over the next two to three years. The most important are the increased functionalization of the regional offices, and the development of the Office of Categorical Programs into an organization more broadly concerned with toxic pollutants in the general environment.

The program budget system, with luck, should require little more than disciplined operation in the future. There are, however, two remaining gaps. The program budget staff needs to be strengthened, and a long term environmental forecast from our research arm should be developed to kick off the annual strategy planning exercise.

Programmatically, changes will stem from the program budget system and, in the short term, from planning for the implementation of new legislation. I think the major, traumatic shifts of resources that were needed to convert our inherited programs to the new Agency goals are over.

Opportunities For Improvement: A New Role For The Deputy Administrator

After the program budget system proves out in the Spring, it is reasonable to think of a new role for the Deputy Administrator -- or at least somewhere at the top of the Agency. By then, the basic organizations and systems will be in place, and their refinement and maintenance will require less top level attention. But top management must give increased attention to disciplined control of operations and the reinforcement of basic organizational concepts.

Simultaneously, new problems are emerging for top management's attention. The most crucial of these from my perspective is our relationship with outside groups. Federal agency relationships continue to require nurturing. Increased emphasis must be placed on state and local relationships. And contacts with professional groups -- especially in the scientific and health communities -- need much work.

This suggests to me traits for the Deputy Administrator somewhat unlike those required in the early days. He should be a tough operating manager, willing to give detailed attention to control problems. He should be able to reinforce the organizations and systems already developed, but unwilling (and perhaps uninterested) to uproot them for marginal benefit. And he should be capable of cementing relationships with federal, state, local, and outside professional groups; he should probably have some credentials that identify him with at least some of these organizations.

ORGANIZATIONAL AND FUNCTIONAL OVERVIEW
OF THE OFFICE OF PLANNING AND MANAGEMENT
DECEMBER 1972

A. CURRENT ASSIGNMENT AND OBJECTIVE

In December, 1970 when the Environmental Protection Agency was established, one of the first decisions by the Administrator on organizational strategy was to consolidate and centralize the "management" functions on an Agencywide basis under a single Assistant Administrator reporting directly to him. This was crucial in a new agency to bringing the key controls of budget, finance, personnel, and organizational design into a posture which would be responsive to the Administrator in his program-building efforts. The consolidation presented many problems. The inherited components were very uneven in the amount and quality of management and administrative resources transferred with them. The former Federal Water Quality Administration (Interior) and National Air Pollution Control Administration (HEW) had the only administrative resources upon which to build an EPA capability. The regional Water Offices possessed the only significant administrative capability in the field. This base became the content of the Office of Planning and Management and its regional counterparts--with the addition of a relatively small number of new hires.

B. CURRENT STATUS

Three principal offices under Deputy Assistant Administrators, with operating divisions, and several staff level offices are constituted as follows:

- Administration

Personnel, grants administration, management and organization, security, contracts, management information and data systems, and support systems comprise the vehicle for administrative services and management control.

- Planning and Evaluation

The Office of Planning and Evaluation provides a central staff capability for economic impact analysis, long range planning, program evaluation, and the development and coordination of environmental standards and regulations.

- Resources Management

The Office of Resources Management develops the Agency budget and manages EPA's financial resources. A planning structure of "program elements" facilitates cost data comparison and program analysis to assure compatibility with Agency program goals. Important responsibilities of this Office are accomplishment plan coordination and review and program progress reporting.

- Other Staff Offices

The Office of Audit is an independent source of program review for senior Agency officials and liaison with the General Accounting Office. Executive Recruitment assesses Agency needs for and conducts searches for senior level personnel. Education and Manpower Planning coordinates EPA involvement in environmental manpower and education programs.

C. IMPROVEMENT OPPORTUNITIES

1. The Proper Role

The Office of Planning and Management was designed to serve as the senior management staff to the Administrator and the Deputy Administrator. It was to be distinct from the other Assistant Administrators' offices, not only in its capacity to provide centralized administrative operations and support to the Agency but to provide objective management advice and to act as an impartial referee in resolving issues and differences among the other major components of EPA. This dual role has not developed fully, particularly the "impartial referee" aspect.

The staff advisory role of Planning and Management has been viewed by the other Agency components as an advocacy of various positions of its own. This stems in part from the evolution of the Planning and Evaluation mission and organization and Planning and Management's responsibilities in areas such as manpower training, economic analysis, standard setting, and legislative development. It also results from the natural tendency of other Assistant Administrators' offices to be self-sustaining in all aspects of their mission accomplishment without need for recourse to other Agency components.

The inability of Planning and Management to attain this objective has placed a heavy claim on the Deputy Administrator's personal attention, and has created a gap in the provision of broad gauge staff advice. This situation, in turn, has resulted in some confusion and delay in decision-making. Efforts to fill this vacuum have required the establishment of an Operations Coordination Group in the Deputy Administrator's office, the institution of an elaborate and often redundant system of comments and concurrences on policy issues, and a trend toward decisionmaking by committee.

2. Functional Relationships within Planning and Management

It was recognized from the outset that the functional responsibilities of the three Deputy Assistant Administrators had desirable interrelationships. It was initially believed that these relationships would evolve quickly and become clear within Planning and Management as well as to the rest of the Agency. However, this development has not progressed as rapidly as anticipated. There is a need for additional sorting of responsibilities among the offices. Significant progress has been made but additional clarification is needed in the areas of--

- . assignment of various types of analytical responsibilities among the Management and Organization Division (Administration), the Policy Planning and Program Evaluation Divisions (Planning and Evaluation), the Program Review and Reporting Division (Resources Management), and the Office of Audit.
- . the relative roles of Planning and Evaluation and Resources Management in the Agency budgetary and program planning processes.
- . improved integration of data processing and information systems responsibilities, financial accounting and personnel data systems, and their relationships to the Agency's organizational structure.
- . the use of in-house resources vs. contract studies on various Planning and Management projects.

3. Office of Management and Budget Liaison

The Office of Planning and Management functional statement assigns to it the responsibility for being the Agency's focal point for contacts with OMB. The rationale underlying the assignment was that since the management relationship was centralized in the Office of Planning and Management it was important to focus liaison with both the management and budget sides of OMB under normal circumstances in a single channel. The actual situation that has evolved witnesses the other Assistant Administrators and their staffs in frequent contact with the budget examining division at OMB on program strategies, funding, and legislative matters. The issue is how broad should Planning and Management's charter be in its liaison role with OMB.

D. STEPS TO ACHIEVE IMPROVEMENT

A clarification of Planning and Management's future role in its management advisory capacity is needed. Some positive steps have been taken, and the role is being clarified. In many areas no one should have an exclusive license to the management advisory role. However, the Office of Planning and Management's advisory capacity can be improved to the extent it can continue efforts to present its image as being impartial and objective. For example, it is appropriate for Planning and Management to define a valid "filtering" role for the Office of Management and Budget contacts that does not abrogate the responsibilities and effectiveness of the other Assistant Administrators. It would be helpful if the Administrator and the Deputy Administrator would make conscious efforts to actively recognize the management advisory role (of Planning and Management) as often and as effectively as possible.

With regard to functional relationships within Planning and Management, probably as much as is possible has been accomplished in refining functional statements of the Office's principal components. Effective working relationships need to be developed through experience on specific projects over a period of time.

What is needed is an operational climate which systematizes the working relationships envisioned in the functional statements. This will require more time and experience but more importantly the desire to do it has to be properly articulated throughout the organization.

Office of Research and Monitoring

A. The Assignment and Objectives of the Office of Research and Monitoring

The current assignment of the Office of Research and Monitoring is threefold.

1. It is to provide the Environmental Protection Agency with an integrated, relevant research and development program that enables it to carry out its mandated missions. In doing so, this Office has the responsibility for both planning the research and development program in a manner that reflects the programmatic needs of the Agency, and for carrying out the planned program. In-house laboratory capabilities, interagency agreements, and extramural grants and contracts are used to assure application of the best talent to problem solutions.

2. It is to assure that, within budgetary realities, EPA develops an optimal monitoring system for assessing environmental conditions and trends as a basis for enforcement actions, environmental quality trend determination, and problem identification. To this end, this Office is responsible for assuring the use of appropriate sampling and measuring techniques, development and adoption of new techniques when needed, the promulgation of standard analytical methods, and for a quality control program which assures that environmental data collected by the Agency are comparable, accurate, and legally defensible.

3. Finally, this Office carries the additional assignment of being the chief advisor to the Administrator on all scientific/technical matters. It has the responsibility of assuring that the best possible advice and knowledge, both inside and outside the Agency, are brought to bear on decisions dependent on scientific and technical information.

Relation of Assignment to EPA's Mission

The objectives of these assignments are both broad and specific. Overall they recognize the fact that EPA is primarily a regulatory agency. As such, it takes actions that ultimately affect every segment of our national life. Obviously it requires the best information available to ensure that its actions are rational and justifiable. It is this Office's assignment to provide the necessary scientific facts and engineering knowledge. In this connection it is clear that the mission and the mode of operation of the Agency must change with time and the research program must ultimately provide the flexibility for this change to occur.

The present mission and the demand for ultimate change may be viewed with respect to a near-term, intermediate, and long-term objective. Over the very short-term, the primary mission of the Agency is regulatory and decisions as to what to regulate have already been made. In this case the research program reacts to provide the requisite information for each decision. This might be illustrated by considering the standard-setting function and what this implies as a research objective. Aside from the legal component that provides the enforcement basis for setting a standard, there are five additional components that provide strong research and monitoring objectives in the regulatory area. These are:

1. Understanding the impact of various levels of a pollutant on man and other elements in the environment so that a defensible damage threshold can be determined.
2. Understanding the sources and movements of the pollutant so that we know where to apply control efforts.
3. Having the ability to measure and monitor the pollutant and its effects at the level at which we set the standard.
4. Providing some means for the standard to be met (the control technology).
5. Having the ability to examine the economic and social implications of setting the standard and, equally important, having the ability to examine the economic and social implications of not setting the standard.

Providing the ability to positively address these five components constitutes the major portion of the near-term objectives of this Office.

For the intermediate time, the research program must provide a basis for problem identification, i.e., what pollutants or pollution problems are most important to deal with next, or perhaps, even what potential problems can be avoided. Once these problems have been identified and sufficient information been made available for formulation of EPA strategy, further detailed research and development will parallel that needed for near-term problems.

The formation of EPA brought together five program areas that have existed in isolation from one another; recently another area was added. These are: air pollution, water pollution, radiation, pesticides, solid waste, and noise. Each had its own budget, its own enabling legislation, and its own research and monitoring program. A primary objective of the assignment given to the Office of Research and Monitoring was to bring about a functionalized research program that would permit the Agency to strengthen its research activities and begin to address the environment as a single interacting system. To accomplish this, the Office of Research and Monitoring was given direct line responsibility over the majority of the Agency's research activities.

In the case of monitoring, there is a plethora of operational data-gathering, storage, and analytical systems in the Agency, primarily operating at the program and local levels. The objective of this assignment is to implement an agency-wide integrated monitoring strategy which assures the capability of accurately measuring the total insult to man's health and welfare of any specific pollutant or combination of pollutants across all media.

Finally, it is essential that the research and development functions of the Agency be responsive to the operational needs of the Agency, but without letting this need destroy the continuity necessary for effective research. To this end, then, it is an objective of this Office to develop a system that permits identification and assessment of priority of the program needs of the Agency so that the research and development program is responsive to the Agency's missions.

B. The Current Status of the Assignment Accomplishment

The assignment to the Office of Research and Monitoring involves two aspects that can best be discussed separately. The first of these is the matter of organization and management to carry out our missions; the second is the status of the substantive programs.

Organization and Management

Most of the research of EPA is now directed as a line function of this Office. The thirty-odd research laboratories of the Agency have been restructured into four decentralized National Environmental Research Centers. Each Center has been given a broad charter to work in the environment, and a major theme to focus its activities. These Centers are NERC-Corvallis -- ecological research; NERC-RTP -- environmental health; NERC-Cincinnati -- environmental engineering (control technology); NERC-Las Vegas -- monitoring. These Centers have sets of research laboratories associated with them to provide the broad resource base required. Each Center Director is given the financial resources needed and the technical program guidance required and has the responsibility to accomplish the work assigned. The technical guidance is provided by the Headquarters of the Office of Research and Monitoring. This structure has been completed and is operating as planned, giving the Agency a functionalized research program.

A formal "research needs" system has been established that provides a mechanism for including the identified research needs of the various program offices, and Regions, into the planning process to provide a relevant research program. The first cycle of this system has been completed for Fiscal Year 1973, resulting in over 2800 submitted needs. The current research program is addressed to the top priority needs, with 60 per cent of the submitted needs included within available funds. The second cycle, modified on the basis of experience, is now under way.

In the case of monitoring, EPA has identified in its current program four basic types of monitoring. They are: monitoring to determine the degree of improvement in the environment, source monitoring, monitoring to provide data for legal case preparation, and monitoring to provide data to support the research program. These monitoring programs are carried out by our ten Regional Offices and the four National Environmental Research Centers with guidance provided by the program offices and the Office of Research and Monitoring.

A Headquarters office has been staffed to deal with coordination and to be responsible for quality control and methods standardization, as well as evaluation and development of monitoring methods.

Substantive Programs

Detailed review of research programs has resulted in re-directing some work to more directly support Agency objectives; termination of some programs where sufficient knowledge for present regulatory programs already exists; and shifting of policies so that work that can be made the responsibility of the private sector is not carried out with EPA funds. Some new programs have been initiated (research in alternative methods of pest control jointly with USDA and NSF; evaluation of long-term, low-dose effects of chemicals on man through joint support with FDA of the National Center for Toxicological Research; environmental studies directed at predicting future problems); some existing programs have been broadened and strengthened (economic assessment functions; improved methodologies for preparation of Environmental Impact Studies; analytical studies of alternatives to regulation to achieve Agency goals, e.g., effluent fees, taxes, etc.).

As a step toward assuring that ecological effects research is properly directed, a revision of a water quality criteria document has been prepared, based on current information; a by-product will be a volume on research needs in this area.

Nonetheless, it is evident that in all areas, the knowledge yet to be gained for adequate environmental management is immense. The research program in each is therefore long-term, open-ended, and will take at least a decade in most areas. The needed knowledge varies across the functional areas: (1) Health and Ecological Effects; (2) Environmental Processes; (3) Measurement and Instrumentation; (4) Control Technology; Cost/Benefit and Implementation Strategies; Long-Range Research on institutional changes, global modeling, technology assessment, etc.

At the present time, the Agency has relatively few methods for measuring environmental pollutants that have been adequately evaluated. The clean air legislation has dictated that reference methods be promulgated at the same time that environmental standards are promulgated. This has forced the Agency to publish reference methods before they have been standardized. Activities now scheduled for Fiscal Year 1973 will result in the production of approximately 15 to 20 percent of the required number of properly evaluated and standardized methods for monitoring environmental pollutants. For a number of pollutants such as mercury, selenium, cadmium, and asbestos, much developmental work is yet needed before the standardization process can even begin. For most pollutants, there are methods available (but not standardized) for monitoring their concentration in surface waters.

The Office of Research and Monitoring has, developed a plan for an agency-wide quality assurance program which encompasses both standardization and quality control. It is expected that this plan, when implemented, will be applied at all levels, Federal, State, and local, and to both government and industry.

EFFECTS RESEARCH

The primary objective of effects is to establish the scientific base with which to develop criteria, standards, and control strategies. Many major toxic and hazardous materials harmful to man have been identified, and acceptable levels of human exposure and ambient concentrations established. The specific enforcement strategies pursued in each case (e.g., national ambient air standards or state-declared water use criteria) differ widely. In general, most of these pollutants require additional research in order to improve the legal usefulness of the available information in enforcement procedures; this research is underway. For other recognized dangerous pollutants, research to establish acceptable levels of human exposure and ambient concentrations is underway; but for still many others research remains to be initiated. This research is clinical, epidemiological, and toxicological; all three types require years to complete, since they deal with low level, chronic doses the impacts of which are measurable only over long periods. Because enforcement strategies differ widely across pollutants, medium, and targets, the needed data differ similarly. As the resources can be freed from attention to pressing immediate topics, the following new problems need attention: virus and pathogens in drinking and recreational water; heavy metals and organics in drinking water; hazardous and toxic air pollutants in addition to the national standards pollutants; pesticides in applications and run-off contexts; and many industrial pollutants. In sum, health effects knowledge is considerable, but the need for additional information is pressing.

In ecological effects the situation is similar but less advanced: considerable knowledge exists on the effects of pollutants upon a very limited number of aquatic species (certain fish, shellfish, rudimentary life forms), but little is known of pollutant effects upon many more species, and particularly upon large or complex aquatic ecosystems; very little is known concerning pollutant effects upon terrestrial eco-systems and upon food chain species. Research goals to date have emphasized health effects, because health protection is the primary environmental goal. However, the potential benefits from ecological effects research are enormous, and as health protection goals are met the freed resources must be allocated to ecological effects research.

PROCESSES

Environmental processes embrace three classes of phenomena: physical transport and storage, biological transformation and storage, and chemical transformation and storage. In water-related problems, all three classes are of concern; in air-related problems the physical and chemical aspects dominate and the biological aspects are less prominent.

Transport processes are important in three regimes: immediate neighborhood of source; regional over the surrounding natural water or air shed; and global. Neighborhood transport must be understood in order to assess the immediate impact of a pollutant source upon the environment -- e.g., to assess the pollutant concentrations at the fence. Good neighborhood models and understanding exist for surface waters and air; ground water models and understanding are inadequate. As demand for new water resources grows, ground water sources will become more critical, leading to greater need for their protection from pollution -- in turn requiring better models and understanding of immediate neighborhood ground water transport processes. This is a pressing problem relative to ground disposal practices such as solid waste land disposal sites and deep-well disposal.

Regional scale transport processes are less adequately modeled and understood. River basins and estuarial models are useful, even though two dimensional. Large scale lake models and knowledge are too rudimentary to adequately explain large lake processes; so the Great Lakes are simply not understood as systems. This is a major impediment to the design of effective and efficient Great Lakes abatement strategies. Similar lack of knowledge pertains to deep sea transport processes, thereby inhibiting design of effective ocean disposal techniques and identification of acceptable ocean disposal sites. Regional air transport processes are in better theoretical shape, and models are to be validated in the Saint Louis region. The Regional Air Pollution Study is a five-year project which will refine and develop the models necessary for relating air emissions to ambient air quality for a large region, thereby providing the tools for designing optimum air pollution abatement strategies. Even after this Saint Louis project, the model will need extending to other, more complex air sheds.

Global transport processes are most important for air problems dealing with relatively persistent pollutants which can travel over global distances and to great heights. Global transport processes are not well modeled or understood, and little research is underway. This inhibits our ability to predict the long-term impacts of major pollution processes such as high altitude aircraft operation.

The situation for chemical processes is similar but much further behind. In water, many basic short-term chemical processes are well understood and well modeled. This permits river basin, small lake, and estuarial modeling for planning purposes to be employed. However, longer, term processes such as sediment storage mechanisms are murky. Many important aquatic pollutants have simply not been studied. Chemical transformation of air pollutants is well understood for some species, but still inadequately described for important problems such as photochemical smog. Biological transformation and storage -- such as transformation of elemental mercury to organic mercury -- are poorly modeled and understood, so that only rudimentary problems are solvable. The restrictions on designing efficient water management plans are almost as huge. The result of these inadequacies is to inhibit the design of effective (let alone efficient) abatement strategies from the point of view of certain chemical and biological effects.

MEASUREMENT AND INSTRUMENTATION

For water applications, two separate classes of measurement and instrumentation needs exist: to assess the condition of receiving waters and effluents thereto; and to evaluate the inputs to and contents of potable water supply systems. In the former applications, there exist classical techniques (e.g., wet chemistry analysis) for most historically important pollutants such as coliform content. But new and threatening pollutants such as heavy metals and viruses, and the growing need for extensive monitoring networks, call for increased research on new methods for new pollutants as well as standardized, remearable, and cheap techniques for old and new pollutants. The same situation applies for water supply applications: use of classical techniques for historically important pollutants; and a need for short analysis time, highly reliable detection and monitoring techniques for old and new pollutants. As potable supply contamination increases (as it is) and as potable demand increases (as it is), the need for more direct use of municipal waste waters and other pollutant sources for potable purposes will require design of highly reliable, short analysis time, on line detection and monitoring techniques.

In air problems, the national air standards pollutants have established measurement and instrumentation techniques legally prescribed. However, the standard methods need considerable research attention in order to upgrade them to best practice, and to standardize them to configurations usable nationally. Typical of this is the NO_x situation. In addition, there now exists a long list of toxic and hazardous pollutants for which standardized M & I techniques are urgently needed.

In sum, for most of the major historical pollutants reliance is being placed upon old or marginal techniques; for new pollutants new methods and instruments are required; for all pollutants remote and cheaper standardized designs are a pressing need.

CONTROL TECHNOLOGY

There are three types of problems relative to control technology:

to describe at least one control technology strategy which will achieve the environmental goals in question.

to get done (not necessarily by the Federal Government) the RD&D necessary to make that technology operational.

to provide the legal basis for agency enforcement.

The status of RD&D differs for these three aspects depending upon the media, the pollutant, and the polluter.

For national air standard pollutants from stationary sources, a control technology strategy has been devised. It prescribes means for providing the clean fuels, improved combustion processes, effluent cleaning techniques and process residuals control required to meet the 1975-76 air standards. However, the RD&D accomplishment milestones are such that the 75-76 standards cannot be met before the decade's end, and they probably cannot be moved forward. Indeed, the problem is to get the RD&D necessary to fulfill the strategy accomplished at all. The tactic has been to have Federal support and therefore guidance in those components critical to the overall technology strategy. In many of these areas and others industry has begun to do its own RD&D. A key issue

is how to assure such performance by industry on all critical components in a timely manner. The joint Federal-industry research will provide the needed legal basis for enforcement when it is finished; such a legal basis cannot exist before that fact. In short, the three aspects of the control technology problem for the national air standard pollutants have recognized solutions underway; their ultimate attainment depends at this time upon considerable Federal involvement.

For national ambient air standard pollutants from mobile sources, no such control technology strategy exists. Rather, various retrofits for old autos and new designs for future production are being pursued almost exclusively by industry with only nominal support and guidance from the Federal Government. In addition, the Advanced Automotive Power Systems Program is investigating possible engine candidates. But no mobile source control strategy which will achieve the goals has been designed.

For air pollutants other than the above, such as asbestos, no control strategies exist. There is a growing list of toxic and hazardous substances entering the air environment for which control technologies will be needed. They must await the freeing-up of research resources from the national air standard pollutants program.

For water pollution problems no such control technology strategy exists. That is, a candidate control technique for each major polluter type has not been identified. Indeed, the water goals are of different form than the air quality goals: for point sources they ask for the universal application of best practicable (control) technology by 1977, the universal application of best available technology by 1983, to be followed at an unspecified date by "closed loop" technology. Only in special cases where such techniques (e.g., best practicable) permit polluting which exceeds water body ambient standards is the above progression declared inadequate technology; but alternative measures are not specified.

Municipal treatment research, development, and demonstration is largely a Federal research responsibility, and a reasonable-cost research, development, and demonstration strategy to accomplish the above progression of goals can be designed. Industrial treatment is not as advanced across all segments. Industrial polluters comprise such a large, complex and numerous set of sources that a research, development, and demonstration

program to lay out a complete strategy (a candidate control technology for each major polluter type), stimulate or do the research, development, and demonstration, and provide the legal basis for enforcement is a very large undertaking. The resources available to date are inadequate to do it all federally (albeit with joint Federal-industry funding). But there exist little incentive for industry itself to upgrade the control technology from best applicable to best feasible to closed loop. The dilemma is therefore how to meet the three part problem posed by Control Technology research, development, and demonstration. It is the pressing question regarding the new Water Legislation, and is receiving considerable attention in ORM now.

Non-point sources (agricultural and urban run-off, for example) already are pressing problems; their importance will grow as point-source pollution is diminished. Control technology in the previous sense is not applicable. Instead, improved techniques of application (trickling techniques combining irrigation, pesticide and nutrient application, for example), substitute techniques such as biological rather than chemical control, and land-use management must be applied. Limited transport, bio-chemical transformation and applications research has identified reasonable strategies to pursue in operational techniques, but research has only begun to spell out valid approaches. Integrated pest control (including biological) is just beginning. Land use is only now getting the attention it requires relative to non-point source pollution control. In sum, non-point source pollution is just being explored, as are the possible means for its control.

C. The Opportunities for Improvement in Accomplishing the Objectives of our Assignment

With regard to monitoring, in addition to standardization and quality control, the other major components of an integrated monitoring strategy which must be developed are:

1. An agency-wide plan for integrated Monitoring Networks. The measurement of the effectiveness of the pollution abatement programs can only be achieved by timely and reliable monitoring data. These data can best be managed and made available through the implementation of a plan for integrated monitoring networks. This plan would include considerations for acquiring, storing, analyzing and displaying monitoring data.

2. Develop requirements for instrumentation. Requirements for instrumentation are encompassed in the need for low-cost instruments for monitoring to show compliance with standards, the need for more advanced methods or instruments for research studies which furnish data for setting standards and for enforcement activities, including the need for open path or remote sensing instruments which will permit a rapid survey and evaluation of environmental quality. In order to implement a nationwide integrated monitoring system, it is necessary to develop the requirements for instrumentation now to provide adequate lead time for development, test and evaluation.

3. A viable plan for the test, evaluation, and introduction into the system of advanced remote and in situ monitoring techniques. This would include a program which would gradually phase out many relatively obsolete monitoring instruments which do not meet new technological requirements because of their low specificity, low sensitivity, and which are difficult to maintain because of design deficiencies or complexity.

D. Important Steps to Fulfilling the Objectives

These projected trends in environmental problems suggest the following directions and emphases in future programs. Because development and adoption of new technologies and methodologies require a number of years from concept to completion, attention must be given to research and development now so that the 1982-85 goals can be reached. Thus, the steps toward fulfilling the objectives are:

1. Cooperation within the Federal Government should be enhanced through inter-agency agreements (formal and informal) on defined topics requiring answers and solicit the assistance of appropriate agencies in providing the answers.

2. Expansion of national effort on developing technologies for control of air pollution, especially from stationary sources, and water pollution -- from municipal, industrial, and storm drainage sources. The program should be geared to stimulate maximum participation of the private sector through regulatory, economic, or other incentives. In the case of industrial sources, direct Federal support should be limited to those industrial sectors where technology cannot or will not (inadequate incentives, multiplicity of small

units without research and development capability or adequate financial reserves, etc.) be developed, or where substantial gain is achievable but only at a high risk. An expanded program for transfer of technology (whether publicly or privately developed) across industrial sectors will be useful. In the case of municipal sources and storm run-off, where there is little incentive for the private sector, public funds will be necessary to devise more economic and efficient treatment systems. Concentration here will be on generally usable unit processes that can be combined by local engineers to meet local problems.

3. Attention to understanding the functioning of the environmental system so that this general knowledge can be applied to specific chemical substances by both the public and private sector; and development of methods for evaluating effects on health and the environment that can be prescribed by government and followed by industry in assessing potential effects of new chemical substances.

4. Detailed exploration of the interaction of our economic, social, and environmental systems. Such an exploration is pointed towards achieving the understanding that will permit the Nation to act in a rational manner as it seeks to achieve an optimum balance between economic viability, social good, and environmental quality.

Stanley Greenfield
Assistant Administrator

Office of Enforcement and General Counsel

A. How you define your current assignment. What is its objective?

As head of the enforcement program of the Environmental Protection Agency and its General Counsel, the principal objective of my assignment is to direct and implement the enforcement authorities of the Agency in a responsible manner to achieve the broadest possible compliance with legal requirements for environmental protection, and to provide legal counsel in the formulation and administration of the Agency's policies and programs.

The recent upsurge of national concern for environmental protection has led to the establishment of stringent new requirements for pollution control. The Clean Air Act of 1970 established an entirely new comprehensive and far-reaching program of regulation. The just enacted Federal Water Pollution Control Act Amendments of 1972 and the Pesticides Act have similar scopes. Many uncertainties exist as to the precise requirements applicable under these new laws to individual cases. Extremely tight statutory deadlines for completion of abatement programs and intense (often emotional) public interest create strong pressures for immediate solutions. Federal enforcement powers have been considerably strengthened and streamlined by recent legislation, and broad authority has been established to permit citizen suits against either the dischargers or EPA whenever legal requirements are not satisfied. The objective of Federal enforcement authority must be to ensure maximum efforts by industry and others to meet the legal requirements. At the same time, painstaking care must be exercised to assure that all enforcement actions are based on a sound foundation of law and fact.

B. What is its current status? Where does it stand?

The predecessor agencies, before EPA was established 2 years ago, focused predominantly on research, grants, and technical assistance, with slight emphasis on enforcement and virtually no experience in litigation. A major objective of the enforcement program in EPA, therefore, has been to develop the required expertise in case preparation, negotiation, litigation, and other aspects of enforcement work. This has included hiring of legal staff and training of technical personnel. The legal and enforcement manpower resource of this Agency has increased from less than 200 employees in 1970 to a present level of approximately 1,500.

In order to provide the greatest degree of effectiveness in implementing the Agency's legal and regulatory responsibilities, I have organized the Office of Enforcement and General Counsel in a manner which provides maximum decentralization to the 10 regional offices with only policy direction and minimum management responsibilities retained at headquarters. For management purposes, my office is divided into three main components: An Office of Water Enforcement and an Office of General Enforcement, which have responsibilities for directing EPA's water and air, pesticides and noise enforcement activities, respectively, and an Office of General Counsel to provide legal counsel, opinions, and services to all Agency programs and activities. Each of the 10 regional offices has an Enforcement Division for implementing enforcement responsibilities and a Regional Counsel to provide legal guidance. In addition, I have also established a separate office under my direct supervision to manage the Agency's water pollution permit program.

When EPA was formed two years ago, we recognized a need to command legal respect for pollution control requirements. Particularly in the water pollution program, widespread slippage in meeting schedules of abatement was common. We set out to change basic attitudes toward these requirements by establishing a new policy of "fair but firm enforcement" and in the past 2 years we have engaged in more than 700 enforcement actions of various types. As a result of this tremendous acceleration in enforcement activity, we have implemented a framework of policy and procedural guidelines which are now quite well understood throughout the Agency and by outsiders. Moreover, most key personnel in our regional organizations have had direct personal experience in handling enforcement cases and have developed competence to handle many enforcement matters on a routine basis.

Water Enforcement

In the past 2 years EPA has pursued an aggressive water enforcement program under the FWPCA law and the 1899 Refuse Act. We have conducted 50 enforcement conference actions and issued 112 180-day notices for abatement against citizens and industries. Three hundred forty-seven civil and criminal Refuse Act actions have been initiated. We have also pursued an active program of negotiation with major industrial corporations and have obtained more than 75 pollution abatement commitments. In total, more than 600 actions have been taken since EPA was established.

The Federal Water Pollution Control Act Amendments of 1972 effect substantial changes in the system of water pollution abatement which existed previously under both the FWPCA and the Refuse Act. The enforcement conference mechanism and 180-day notice proceedings under the FWPCA have been supplanted by a system of administrative compliance orders and direct civil and criminal actions for violations of discharge permits or other requirements of the new water Act. The permit authority under the Refuse Act of 1899 also has been replaced by a new Federal-State permit system, which is discussed below. Pending suits under the Refuse Act are preserved by a general savings provision in the new Act, but new actions cannot be commenced against most dischargers until December 31, 1974, if the discharger has a permit application on file and final administrative disposition is still pending. In certain situations, however, including any imminent and substantial endangerment to the health or welfare of persons or any oil spill or other intermittent discharge, immediate enforcement action can be brought under the new law.

The combined effect of these provisions is to drastically curtail the Agency's ability to take immediate enforcement action, at least until final administrative disposition has been made of discharge permit applications. Therefore, to a very considerable extent, water pollution enforcement under the new Act is dependent upon the implementation of abatement requirements through the permit system.

Permit Program

The discharge permit system initiated by the President under the 1899 Refuse Act is, in most respects, continued under the new water Act. Roughly 23,000 applications filed pursuant to the Refuse Act program remain in effect. With the added requirement for municipal permits, we anticipate an additional 15,000-20,000 applications. The new permit authority differs from the Refuse Act program in the following significant respects: (1) the Environmental Protection Agency, rather than the Corps of Engineers, has the initial responsibility for permit issuance, (2) States may apply for and receive approval from EPA to conduct their own discharge permit programs, in accordance with standards and guidelines promulgated by EPA, and (3) permits must contain conditions which require industrial dischargers to achieve, not later than July 1, 1977, effluent limitations which require the application of "best practicable control technology currently available." Municipal dischargers are required to achieve effluent limitations based upon secondary treatment by this same date. In certain cases, industries and municipalities may be required to achieve more stringent limitation in order to meet water quality standards, treatment standards, or schedules of compliance.

Since the Agency's water program is contingent, to a large extent, upon the implementation of the new permit program--and legislative deadlines for implementing actions related to the permit program are short--many aspects of the program are now well underway. EPA guidelines establishing minimum procedural and other elements of State permit programs were published for comment in the Federal Register on November 11, 1972. Proposed regulations governing EPA procedures for the issuance of permits have been prepared and are currently undergoing inter-agency review. EPA guidelines for uniform permit application forms and other minimum requirements for the acquisition of information from dischargers also have been developed and will be published for comment in the near future.

In addition to these specific requirements set forth in the Act, much work has been done by EPA regional enforcement and permit personnel to develop specific conditions for individual permit applications which been filed. The headquarters enforcement and permit staff has developed, over the past few months, guidance to assist the regions in formulating effluent limitations for these permit applications. To date, some 1,200 permits for major dischargers have been drafted--representing a significant portion of the total of approximately 2,700 major dischargers nationwide which have been identified.

Other actions which are being taken to implement the permit program include the following: (1) instructions have been furnished to the regional offices regarding the receipt and processing of State requests for interim authorization to carry out their own permit programs, and procedures for making such requests have been communicated to the States; (2) information is being developed to assist the States in determining what changes may be required in State law in order to receive final approval of State permit programs; and (3) work is underway to develop additional forms and instructions for the acquisition of discharge data.

Air Enforcement:

Our air enforcement program is directed toward achieving compliance with designated standards for both stationary and mobile sources of air pollution under the provisions of the Clean Air Act of 1970. The Act recognizes that the prevention and control of air pollution is the primary responsibility of State and local governments and the role of the Federal Government is primarily that of leadership and assistance in protecting and enhancing the quality of the Nation's air resources, but includes Federal regulatory and enforcement authorities which supplement State programs.

The stationary source enforcement program is being undertaken in cooperation with the States and includes enforcement of State Implementation Plans, new source performance standards and national emission standards for hazardous air pollutants. I have placed primary emphasis on developing EPA regional staffs to provide the necessary support and assistance to the States who have primary responsibility for enforcing implementation plans, and achieving compliance with National Ambient Air Quality Standards. Responsibility for enforcing new source performance standards rests with EPA, but may be delegated to the States. We plan to delegate enforcement authority for New Source Standards to approximately half the States in FY 1973, but it is expected that EPA will continue to exercise primary responsibility for enforcing hazardous standards, delegating this responsibility to only a few States during 1973.

The mobile source enforcement program is primarily a Federal effort directed toward achieving compliance with motor vehicle emission standards, fuel standards, and aircraft emission standards. Present program emphasis revolves around developing regulations and designing a program for assembly line testing, implementing a program to detect marketing of uncertified new vehicles, on-site inspection of certification procedures, initiation of a recall program for classes of in-use vehicles which fail to comply with emission standards, and implementing a program to prohibit tampering with emission control devices and to develop an enforcement strategy for lead fuel standards based on proposed regulations.

Provisions of the Clean Air Act will be fully enforceable next year. It is difficult to predict the scope of the Federal effort at this time since so much depends on the willingness and ability of States to enforce their own State plans and the degree to which other authorities can be delegated.

A major problem which will impede the effectiveness of the Air Enforcement effort is the many hard technical questions that must be answered before relief can be obtained. Unlike water pollution control measures, control technology for minimizing air pollution is in an early stage of development.

Although the Act is only 2 years old and we are just now moving into an enforcement posture, major actions already have been taken.

On November 18, 1971, I invoked the emergency powers provided under the Clean Air Act to require industries in Birmingham, Alabama, to abate air pollution in that city. This was the first time that we had taken enforcement action under this statute. The action was taken after it was determined that levels of particulate matter presented an imminent and substantial endangerment to the health of persons in the area. On March 8, 1972, I issued a 30-day notice to the Delmarva Power and Light Company in Delaware City, Delaware, for violation of the Delaware sulfur oxide emission standards.

Other important actions which were taken included action against Ford Motor Company for delivering on consignment some 200,000 1972 model cars and light duty trucks to dealers before required emission tests were completed and the denial of requests by several automobile manufacturers for a one-year suspension of the 1975 emission standards based on a determination that adequate technology would be available to meet these standards.

In contrast to the water pollution program, the Agency's enforcement activities concerning air pollution are clearly in an early phase of development. Most members of EPA's regional organization are just beginning to encounter violations of air regulations that call for enforcement action. Development of expertise to handle the technical and related aspects of these cases therefore represents an important objective in this area.

Pesticides Enforcement:

Prior to the establishment of EPA, the pesticides enforcement program was administered by the Department of Agriculture (from 1947 to 1970) under the 1947 FIFRA statute. The enforcement policy of USDA was one of voluntary compliance by industry, allegedly achieved by liberal use of the seizure authority rather than the punitive provisions of the statute. When EPA took over administration, I revised the enforcement policy to utilize the criminal sanctions and alerted industry that we intended to vigorously enforce the statute. In an effort to gain a greater degree of compliance by industry with FIFRA, we have placed greater emphasis on pursuing criminal prosecution by USDA. Since EPA has been established, over 100 cases have been referred by EPA to the Justice Department.

I have reoriented the pesticides enforcement program toward a stronger regional office role, in which regions will not only concern themselves with surveillance and product collection activities, but also will be responsible for initiating seizure actions, violation notices, and prosecutions, if warranted. This pesticide enforcement decentralization program has resulted in a four-fold reduction in time from the detection of violations until fines are imposed by the courts. In FY 1973, 300 prosecutions are planned as a result of our regionalization efforts.

The 1947 statute was amended on October 21, 1972. The new amendments provide new enforcement tools, increased fines, civil procedures, stop sale authority, and injunctive authority. We plan to utilize all of these additional enforcement authorities to obtain industry compliance with the Act and assure adequate protection of the environment.

Noise Enforcement:

Prior to passage of the Noise Control Act in October, 1972, EPA had no statutory responsibility in the noise pollution area. The Act now requires EPA to identify major noise sources, to establish regulations for noise emitting products, to publish regulations for labeling noise emitting products, and to develop aircraft, railroad and motor carrier standards.

The Act lists specific prohibited acts, such as new and imported products not in conformity with noise emission or labeling standards, the violation of which will require enforcement action as soon as regulations are published.

Since this is a new authority, the thrust of our efforts in the near future will be in developing appropriate enforcement regulations and in designing and developing an effective enforcement strategy based on all final noise regulations adopted. Until such time, it is difficult to predict the problems involved or opportunities for improving our noise enforcement programs.

C. Where should it go? What are the opportunities for improvement in accomplishing the objectives of your assignment?

Federal-State Relations:

Recent environmental legislation enacted by Congress recognizes the need to establish a strong cooperative relationship between Federal and State agencies in order to provide maximum effectiveness in minimizing pollution. These statutes provide strong enforcement roles for both levels of government and although a few States have the present capability to assume a fully effective enforcement program, most do not. An important objective must be to design and implement our programs in a way that will strengthen the effectiveness of State programs.

The Federal enforcement program provides significant opportunities to improve and upgrade State enforcement activities. These include the following:

-- By taking on the more politically sensitive or tougher cases in a State, we can continue to establish a strong awareness of Federal pressure and provide assurance to the States and others that requirements will be comparable in all States.

-- By working side-by-side with the States on difficult cases, we can foster a high degree of learning to the benefit of both EPA and the States. This can facilitate cross-fertilization between the States and particularly benefit States with less developed programs.

-- In some cases, EPA has developed specialized capabilities and technical skills for particular situations (such as unusual industries), and can provide direct assistance to the States, or even handle the situation directly.

-- Our control agency program grants, coupled with specific requirements in guidelines and regulations, can also contribute to the overall strengthening and uniformity of State programs.

A moderate sense of competition between Federal and State enforcement programs is not necessarily bad. However, over the past year the degree of rivalry has been excessive due to the uncertainties of the pending water pollution control bill. Now that the bill has been enacted, there are good signs that this rivalry is behind us, and we can move toward a mutually productive relationship. The groundwork for effective communication and cooperation already has been laid in many areas and the benefits of close working relationships are being realized. This has been particularly true with regard to the permit program. Our objective in the future should be to conduct all our activities with a view toward blending them with State programs and activities.

Permit Programs--Water Enforcement:

The permit program under the new water Act presents a formidable challenge to the Agency. Of utmost importance is that the program be implemented as rapidly as possible, since permits will constitute the "cutting edge" for the imposition of abatement requirements for dischargers. Water will be cleaned up only as specific requirements are imposed. It is equally important, from the point of view of dischargers, that these requirements be established promptly, so that a full and adequate opportunity

will exist for dischargers to install abatement equipment to meet the 1977 deadline set in the Act. As noted above, many aspects of implementing the program are underway. A framework has been established to move the program forward. Whether EPA issues permits itself, or authorizes State permit programs, the objective in either case will be to reach agreement on the terms of individual permits so that work can begin on abatement programs. At the same time, and equally important, requirements for monitoring and reporting data relating to discharges are being developed, and will constitute the core of a comprehensive national data base for effluent discharges and water quality conditions. This will provide a vastly improved data base concerning the Nation's progress toward the achievement of clean water.

The success of the permit program will depend, to a considerable extent, on the resolution of hard technical questions regarding levels of effluent reduction. We have made enormous strides forward in being able to specify, for numerous categories of point sources, effluent limitations to meet the objectives of the Act. At the present time we have developed effluent guidance which will enable us to begin to issue permits in the near future. Although more work is required in the coming months to round out all the necessary aspects, we plan to proceed with the program and to develop and issue permits for individual plants, based upon effluent requirements in which we now have sufficient confidence.

The success of the permit program will also depend greatly on the speed and effectiveness with which programmatic and procedural questions can be solved. Processing of thousands upon thousands of permit applications from industries, municipalities, and other point source dischargers will present a colossal administrative job for both Federal and State personnel.

Relations with Department of Justice:

Our enforcement program must include close working relationships with the Department of Justice and local U. S. Attorneys. Since our enforcement efforts have been decentralized to a very large extent, and the regional offices have developed effective operating programs, as well as knowledgeable and experienced staffs, it is critical that close coordination be effected at the

at the regional level. Our goal is to insure that, both in Washington and in the regions, improved communication and coordination exist with Justice Department officials to facilitate an orderly and expeditious flow of case work. The Legal Support Division, as well as other attorneys under my supervision, are directly in touch on all matters affecting cases which we refer at the headquarters level. I plan to insure that this direct contact continues and is strengthened as needed.

Administrative Procedures:

Another important area of concern to us is the establishment of administrative practices and procedures within EPA to carry out the requirements of new anti-pollution laws. EPA is a regulatory agency and, as such, must have the administrative machinery to adjudicate matters affecting individual parties. The Agency will be required to utilize its expertise in these proceedings and, in many cases, independent hearing examiners may be required. As the Agency's responsibilities are shifted from broad rulemaking functions to individual cases, administrative procedures have to be developed to incorporate increased formality and sophistication. For example, under the enforcement provisions of the new water Act notices of violations, as well as compliance orders, must have the requisite degree of formality, both in substance and manner of issuance. Also, in the permit program, public notices of permit applications and public hearings must be afforded the necessary formality to insure effective public participation and protection of the rights of parties. In these areas, as well as others, including procedures for the acquisition and utilization of data, the Agency must have efficient and effective procedures. At the same time as these administrative procedures are being developed for EPA activities, attention must be given to the manner in which they relate to the development of similar capabilities by the States.

Air Enforcement:

The Clean Air Act directed the establishment of a comprehensive framework of standards, implementation plans, and compliance schedules within a critically short time frame. Because of haste in establishing the requirements and the 3-year time frame for compliance, we anticipate and are now experiencing difficulties which stem from too stringent or too lax requirements. Although many of the requirements are sound, some of them are inconsistent with technology available to achieve them or the capability to meet demands for control equipment or supplies of low sulfur fuels are inadequate.

These inadequacies are precipitating actions on the part of both industry and aggressive public interest groups to contest the validity or reasonableness of existing requirements. It is necessary to provide a degree of flexibility in implementing the requirements to accommodate and maintain the integrity of the air pollution control effort.

D. How should it get there? What are the steps to fulfilling the objectives?

Federal-State Relations:

EPA has established a Federal-State task force to consider and develop policy with regard to the implementation of the Federal Water Pollution Control Act Amendments. Although the task force is new, initial results have been encouraging and we should continue to utilize this procedure.

Permit Program - Water Enforcement:

In order to move forward in beginning to issue discharge permits on a prompt and systematic basis, the following matters should be pursued:

-- Requests for interim authorization of State programs should be considered and disposed of as expeditiously as possible so that, if authorization is granted, States can begin to operate their own permit programs in conformance with the requirements of the Act.

-- At the same time as State programs are being considered, regulations governing the issuance of permits by EPA should be published so that in cases where State programs are not authorized or approved the Administrator can proceed with the issuance of permits.

-- Headquarters guidance for effluent limitations to be contained in permits should be completed so that permits can be issued under such conditions as the Administrator determines are necessary to carry out the provisions of the Act, prior to the promulgation of guidelines for effluent limitations pursuant to Section 304(b) of the Act.

-- EPA regional offices should continue to establish priorities for permit processing in conjunction with the States and should continue the preparation of draft permits so that when the applicable procedures are established and permits can be issued--irrespective of whether EPA or a State may be the issuing agency--both levels of government can act in unison in the imposition of abatement requirements.

-- EPA should continue to place its primary emphasis at the outset on the preparation of draft permits for major dischargers, particularly major dischargers located in EPA priority basin areas, and focus its attention principally on those industries for which reliable effluent guidance has been developed.

-- EPA should continue efforts to encourage and assist States in developing the necessary statutory and programmatic requirements in order to receive final approval of State permit programs.

An essential prerequisite to the accomplishment of most of the foregoing steps in beginning to implement the permit program is to maintain close working relationships with State agencies. To that end, a clear and comprehensive dialogue must exist between EPA and the States at both the Headquarters and regional levels. The work of the intergovernmental task force on the 304(h)(2) State Program Guidelines has served as a model for effective Federal-State relations on the permit program and should be continued.

Administrative Proceedings:

To implement a more formalized system of administrative procedures, the following items will be pursued:

- We will assess all aspects of our current programs to determine the procedural requirements which now exist or should be devised in order to carry out our responsibilities relating to individual parties and other interested persons.
- In those areas where we are now formulating procedures, we will construct the necessary procedural framework to insure effective participation and the fair disposition of individual matters.
- In those instances in which the Agency issues formal notices, orders, or other directives, we will develop the necessary forms and procedures to operate with the requisite degree of formality, uniformity, and technical accuracy.
- In those instances in which the Agency conducts hearings or other proceedings, we will implement procedures which will incorporate the necessary formalities to insure a proper disposition of the matter.

In all respects in carrying out responsibilities under our current programs, our conscious design will be to give increased attention to creating sound, efficient, and effective machinery for handling matters involving persons and other agencies or instrumentalities affected by our regulatory programs.

Air Enforcement:

The framework for an effective air enforcement program is firm in terms of the Federal standards, State implementation plans, and compliance schedules. To the degree that this framework is inadequate, we can only officially react to the problems by reviewing them as they arise in the form of amendments to the State implementation plans.

We should, however, take advantage of as many opportunities as possible to meet with public interest groups, industry, and others to explain some of these deficiencies and plan a common solution to the problems that will maintain the integrity of the program and move forward toward accomplishing the objective of clean air.

I am confident that the air enforcement strategy which is being pursued by my office is a good one and, with the exception of longer term resource problems, should maintain a high degree of compliance with requirements.

John Quarles
Assistant Administrator

AIR AND WATER PROGRAMS

1. Definition of Current Assignment and Objectives

Definitions - The Assistant Administrator for Air and Water Programs is responsible to the Administrator for the development and implementation of the national strategy for abating air and water pollution. He functions within the framework of the Clean Air Act of 1970 and the Water Pollution Control Act Amendments of 1972. Implementation is, with the exception of mobile source and aircraft emissions, the chief responsibility of the States working with EPA's ten regions. Within these authorities and limitations, there remains considerable scope for, indeed a need for, strategy development and the selection of priorities.

Specific assigned tasks are:

- Program policy development.
- Emission standards development for stationary and mobile sources, including transportation controls, and water pollution sources, including industrial and municipal sources and vessels.
- Ambient air and water standards development.
- Evaluation of national program performance, including the performance of States and EPA regions.
- Technical support for national air and water programs.
- The management of federal financial assistance programs for the construction of municipal treatment works.
- The management of financial support programs to the States.

There are presently available for the accomplishment of these tasks about 938 headquarters people and \$2.06 billion.

Objectives -

(a) Air Goals for Next Four Years

- Reach primary air quality standards by 1975/77
- Achieve '75 auto emission standards in 1975 with possible slight adjustment necessary as a result of additional suspension hearings

- establish plan for attainment of secondary standards within a reasonable timeframe
- strengthen State programs for State accomplishment of air goals without requirement for increased EPA effort
- set technically strong standards that achieve maximum air quality impact with minimum economic cost and secondary negative environmental effects
- implement transportation controls in 28 air quality control regions needing them in eighteen States.
- further strengthen link between air quality and energy environmental goals by continued development of clean fuels policy and priorities.

(b) Water Goals for Next Four Years

- Insure that industry is close to compliance with best practicable technology by '76. Set technically sound effluent standards to this end that minimize economic impact.
- Achieve, by careful planning with limited municipal funding, clean up by 1976-78 for up to three-fourths of US population including majority of major river basin areas. Collect objective monitoring data to demonstrate this achievement.
- Implement ocean dumping legislation so that there is a major decrease in ocean dumping by 1976.
- Strengthen State programs to take the lead in water bill implementation.
- Achieve goals of Great Lakes agreement with Canada and of eutrophication programs.

2. Current Status or Estimate of Degree of Accomplishment of Goals

(a) Air Prognosis:

- very substantial improvement in air quality achievable by 1976.
- automobile emission performance at or near 1975 standards
- EPA's energy role established
- organization will probably meet requirements with some delays and technical inadequacies

(b) Water Prognosis:

- Mixed success. Results expected in strong States
- Given funding level, good section 303 planning by States could demonstrate real payoff in terms of clean up for up to three-quarters of US population by 1978
- Little success in non-point area

3. Program Direction

Several major policy issues need to be resolved to provide the impetus for the attainment of the foregoing goals.

(a) Air Strategy and Policy Issues

- 1976 automobile standards revision may be necessary because of NO₂ measurement problem.
- Establish EPA role in energy conservation with reference to internal combustion engine and alternative mobile source technologies.
- Strengthen health case for and implement removal of lead from gasoline.
- Handle no growth and non-degradation issues.
- Continued Ford-type certification problems.

(b) Water Strategy and Policy Issues

- Major Congressional battle over failure to achieve all deadlines in legislation and to fund adequately.
- Water effort presently has no planning. Need to establish priorities for all water efforts, particularly to maximize achievements attainable with scarce resources and to effectively monitor these achievements.
- Develop defensible effluent guidelines that achieve clean up at acceptable economic impact.
- Develop a non-point source strategy.

4. Steps to Fulfillment of Objectives

Along with successfully coping with the substantive problems raised in the foregoing section, a series of management and special problems need to be addressed and resolved before air and water programs can have reasonable confidence that the 1976 goals of air and water clean up can be achieved. These problems are outlined below.

(a) General Problems and Prospects

- Both in water and air, there is a key requirement that the Agency develop a methodology and policy toward the implementation of its welfare related standards. For the Clean Air Act, this means either setting secondary ambient standards at some level that reflects "significant" welfare effects, or if the ambient standards must be set at the threshold of any (force) welfare damage, then the Agency must extend the date of accomplishment for the secondary standard, in select instances of great economic impact, far into the future. While this latter approach is defensible in the context of the "reasonable time period" mandated by the Clean Air Act for the achievement of the secondary standard, it presents serious implementation problems.
- The timely issuance of regulations that are technologically defensible has emerged as a major problem with the Clean Air Act. The lack of definitive scientific work and short time frames for promulgation are the causes. Both of these causes are even more overriding in the case of the newly enacted Water Bill. There are some deadlines that just cannot be met. The Agency will have to build a strong case for failing to get such regulations out in time.
- The regional-State relationship in water is uneven. EPA must increase State funding support and engage in joint planning. The States must take the implementation lead with EPA being responsible for backup and oversight.
- EPA must continue to capitalize on its most important accomplishment of having become an environmental advocate within the Administration. There is a desperate need to demonstrate that government can work. Environmental clean up is possible within five to ten years.

- There is a continuing need to assure that the environment is being cleaned up in the least-cost fashion. Industry is complying, but a major EPA error, e.g., an overzealous no discharge or nondegradation policy, could rekindle the "wait a minute" philosophy.

(b) Special Air Problems

- Office of Air Quality Planning and Standards has yet to establish itself as planning leader integrating all air related actions.
- The implementation of transportation controls in 18 States, including New York and California, presents very difficult problems. It appears that either the standards cannot be met by 1977 as mandated, or very major social dislocations will occur. A variance or amendment is presently inevitable. To develop the data to support the foregoing conclusions will be a real challenge for the Agency as will moderate implementation to demonstrate a "good faith" effort.
- Continued monitoring of the Clean Air Act's impact on the energy crisis is another major Agency concern. The validation of the Agency's present policies will be required.
- There is a need to develop a stronger cost benefit rationale for the 1975 Automobile Emission Standards. This issue will begin to emerge as the impact of technology requirements becomes evident on the purchase price of the 1975 automobile. The Agency faces a difficult task in explaining the consumer cost and energy impact of the 1975 devices, unleaded gas, and fuel penalties, real or imagined.
- Mobile source resource limitations will cause delays in revision of certification procedures, development of assembly-line testing procedures, heavy duty vehicle standards, and State inspection programs.

(c) Special Water Problems

- In the coming year the Agency must define best practicable technology, or the level of control which industry will "roll back" by 1977. Applying uniform standards to all dischargers if set too high could impose an enormous economic impact in many areas with no water quality benefit. Alternatively, too low a standard with poor management and inadequate attention to water quality and water quality based effluent requirements could mean the failure to achieve

water quality goals. The Agency must set reasonable best practicable standards and insure good management and attention to water quality.

- Somehow a way must be found to reconcile our enforcement strategy with the delayed funding of municipal treatment works announced by the Administrator.
- The Agency must move to develop its own strategy for defining and attaining the 1983 and 1985 goals of the Water Bill. Does no discharge make sense? If not, what does?

Robert Sansom
Assistant Administrator

ASSISTANT ADMINISTRATOR FOR CATEGORICAL PROGRAMS

I. Objectives of My Current Assignment

A. Program Objectives

As Assistant Administrator for Categorical Programs I am the line manager of abatement and control activities in pesticides, radiation, solid waste, noise, and toxic substances. Although each of these programs has its own set of program objectives, there are several major objectives which are common to all these programs and which define the basic programmatic goals of my assignment. These major program objectives are:

1. Protection of public health and safety from hazardous pollutants.
2. Protection of the general environment including sensitive ecological systems from hazardous pollutants.
3. Protection of land as the last available "sink." (The increased regulation of air and water pollution including ocean dumping makes land particularly vulnerable to abuse.)

These five programs within the Office of Categorical Programs have three other common characteristics which have a significant impact on the way in which these programmatic objectives can be achieved. All five programs:

- a. Generally involve environmental problems which focus primarily on the prevention of potential problems. This is in contrast with the air and water programs which of necessity must emphasize restoration.
- b. Entail a careful balancing between this country's economic and social values on the one hand and environmental protection values on the other. (e.g., decisions on particular pesticides; noise or toxic substances standards for particular products; and agency policies concerning packaging materials such as returnable bottles.)
- c. In whole or in part seek to prevent irreversible impacts on public health and the environment. (e.g., persistent pesticides, long-lived radioactive nuclei, and long-lived toxic materials.)

B. Management Philosophy

As contrasted with the air and water programs, all of the programs which now comprise the Office of Categorical Programs were either very weak or non-existent at the time that EPA was created. The Pesticide Program for instance was pulled together from three different Federal Departments and much of the top management of these various elements was left behind in the other Departments. Since assuming responsibility for these programs in June 1971, we have developed strategies for each of these individual programs which have resulted in the elimination or reduction of several of the more traditional program activities such as training, technical assistance, or collection of monitoring data, and the substitution of more meaningful problem-oriented approaches. The impact of those reductions will be shown on a program basis.

Moreover, all of the five programs in the Office of Categorical Programs are relatively new and the roles of the Federal Government and the State and local Governments are at best ill-defined. There is still ample opportunity to limit the Federal Government's role to only those functions which cannot be carried out at the State and local level. This in turn would necessitate the development of adequate State and local institutions so that they not only would have the capability to carry out their functions but also would assume responsibility for meeting the objectives of the national program. These new programs within the Office of Categorical Programs offer an excellent opportunity for the development of these institutions at the State and local level. A vigorous, innovative approach to setting up these institutions has been one of the main thrusts which I have brought to the implementation of these programs.

As well, a number of Federal agencies have responsibilities, capabilities, and legislative authorities which can be very helpful to the achievement of many of the goals of the Office of Categorical Programs. Likewise, EPA has capabilities and authorities which can be helpful to other Federal agencies. I have therefore insisted that the programs within the Office of Categorical Programs coordinate their activities with those of other Federal agencies and to develop joint efforts where possible. For example, extensive work with the U.S. Department of Agriculture has resulted in

- * a cooperative agreement between the extension Service and our Agency designed to provide better information to rural areas
- * a joint integrated pest management program, and
- * a joint training program designed to prevent accidents in the use of pesticides substituted for DDT.

There is much that needs to be done in this area in the future.
For instance:

- * Integration of our planning activities with HUD's 701 planning grant program
- * Integration of our solid waste assistance activities with HUD, ARC, EDA and USDA (FHA)'s assistance programs
- * Integration of our hazardous pollutant radiation and noise programs with programs controlling the same substances in HEW (FDA and NIOSH), DOL, FTC, and AEC.

Finally, a major task before us is the development of regional competence, both by upgrading the quality of the personnel chosen to staff the regional offices and by providing more specific policy guidance and assistance to the regional personnel. Programs within the Office of Categorical Programs have always had weak regional office operations, partly because of the emphasis within the program of setting standards and making national regulatory decisions which cannot be regionalized. As the programs expand, there is an increasing number of functions which should be carried out in the regions and it will be my responsibility as National Program Manager for these programs not only to assign these functions to the regions but also assist the regions in assuming full responsibility and accountability for these functions.

II. Current Status of Programs

The status of each of the five programs that make up the Office of Categorical Programs is as follows:

A. Solid Waste Management - OSMP's activities are focused on three principal objectives: to protect public health and the environment through upgrading of land disposal practices; to enhance the productivity of local solid waste management systems; and to increase the rate of resource recovery, which has significant environmental as well as economic benefits to the Nation.

The Federal solid waste program historically has focused almost exclusively on providing financial and engineering assistance to States and localities and on funding research, development, and demonstration activities

in the area of traditional refuse collection and disposal. A redirection of the program's activities away from these traditional areas into such higher payoff activities as hazardous wastes disposal, and productivity-related technical assistance to cities has resulted in greater upgrading of disposal practices and in a reduction in many cities' refuse collection costs. (e.g., over 40 percent cost reduction in Cleveland.) At the same time, the Office of Categorical Programs has been able to reduce the program's manpower and budget by roughly 30 percent while at the same time very substantially upgrading the calibre of the program staff.

OSWMP currently is placing first priority on preparing for legislative hearings which are expected to begin in late January, and in strengthening the program's capabilities for implementing the new legislation if and when such legislation is enacted. It has prepared a very effective case with which to counter virtually certain Congressional pressure for a substantial--and, in our opinion, wholly inappropriate--Federal grant program in this area.

B. Pesticides - The objective of the Pesticide Program is to minimize the impact of pesticides on human health and safety and the environment while preserving for society as many of the benefits from the use of pesticides as is reasonable. In the past the Pesticide Program has operated under statutory authority which forced it to focus almost entirely upon deciding whether or not a particular pesticide product should go on the market. A new Act just signed by The President broadens this perspective considerably and will allow the program to carry out efforts to influence and control the actual use of pesticides and to deal with such important issues as empty pesticide containers. This new authority was secured only after a long fight in the Congress and a great deal of personal effort on the Hill in bringing the various interest groups and Congressmen into agreement on a compromise bill.

This broadened perspective of the Pesticide Program is reflected in the new organization of the Pesticide Office which went into effect on November 20th. This reorganization plus substantial reprogramming of funds will allow the program to meet its new mandates.

The Office of Pesticide Programs has established an EPA task force to guide implementation of the legislation, to resolve major policy issues, and, most importantly, to assure active public participation--including industry, growers, environmentalists and general public--in decision processes relating to policy and regulations.

C. Radiation - The broad goal of EPA in the radiation area is to assure that no additional risks occur to individuals, the public at large, and the environment due to increased radiation exposure from all sources without the existence of off-setting beneficial reasons for these additional risks.

Initially, the Radiation Program was brought together piecemeal from three separate activities--the Federal Radiation Council (FRC), the Atomic Energy Commission (AEC), and Department of Health, Education and Welfare (HEW), to form a fragmented radiation program. Since this time, a coordinated radiation strategy has been developed which focuses attention on all sources of radiation on a problem-oriented basis. This all-encompassing strategy with definite milestones has been recently completed. It is now being vigorously implemented to assure public protection from radiation generated by energy production, the healing arts, and natural forms of ionizing radiation, and for non-ionizing radiation. It has been anticipated that by 1977 source standards controlling all forms of radiation, based upon a balance of risk/cost/benefit will be implemented and enforced by EPA and other sister agencies at the Federal level and by the States at the local levels. As a result of this strategic planning the size of the radiation monitoring effort has been significantly reduced without loss of essential data, (approximately 30 percent reduction). The training program has been reduced by approximately 90 percent.

D. Noise Control - The objective of the Noise Control Program is to protect the public health and welfare from adverse impacts from noise. The newly passed Noise Control Act (NCA) of 1972 provides for the Noise Control Program to promulgate noise standards and regulations to achieve this objective. EPA, as the designated lead Agency, will also coordinate all Federal programs regarding Noise Abatement and Control and will render technical assistance to State and local Governments to implement programs required for the protection of public and health and welfare.

Although this is a new program, a noise program work plan together with alternative resource allocations has been developed and is being reviewed. Action has been initiated on the most critical requirements of the NCA of 1972, i.e., aircraft/airport operations noise study, development of a criteria document, regulations for interstate rail and motor carriers, etc. A regional noise technical assistance program has also been developed.

E. Toxic Substances - The objective of the toxic substances program is the protection of human health and the environment from hazards posed by the manufacture, use, distribution, and disposal of particular toxic chemical substances. Principal emphasis is placed on prevention of problems by intervening before the chemicals are introduced to the environment in a haphazard manner. Similarly, manufacturers and processors should be given advance notice of problems before they commit large amounts of money to a particular product. This approach can lead the prevention of irreversible environmental effects. The Administration has submitted legislative proposals to give this office sufficient regulatory authority to carry out such a program. This bill has not yet passed Congress. Nevertheless, initial strategy studies have been completed.

A program and contract scheduling effort has now begun in order to detail milestone and target dates for specific program activities and coordinate these with staffing and resource allocation schedules for the remainder of FY '73.

Heavy emphasis is being put on recruiting top management and scientific personnel, and considerable progress has been made in locating available sources of data, contractors, and research activities on toxic chemicals, and preliminary investigation of certain toxic materials looking toward selection of specific substances for intensive study and corrective action have begun.

III. FUTURE DIRECTION OF THE PROGRAM

The goals I outlined in Part I are a long way from attainment at the present time. As opposed to the Air and Water Programs, the institutions for accomplishing these goals at the Federal and State levels, and even within the private sector, have not been established. Our immediate task is to create these institutions as soon as possible and to set them on the course of achieving these goals in a coordinated manner.

In each of the programs we have attempted to develop strategic plans for achieving the goals I have set forth, which include determining where we should go and the means to get there. At the present time the strategies as developed are of uneven quality. Furtherest along is the strategy for Radiation which lays out broad program goals and the detailed steps and mechanisms for achieving these goals on a problem-oriented basis. Although considerable work has been done to develop strategies for Pesticides and Noise, the passage of new legislation requires that this work be updated. This will be accomplished by January 8th. We have also laid out a tentative strategy for the new Solid Waste and Toxic Substances legislation and have adopted interim strategies for both programs pending the enactment of the new legislation. Our effort in land use planning has hardly begun.

As a result of these strategies we have refocused our programs away from traditional piecemeal activities toward problem-oriented objectives. The program is in mid-stride, and just gathering momentum. It is important that this momentum not be lost and that the objectives be pursued vigorously.

In the short term there are a variety of problems that must be surmounted for us to achieve these objectives for each of the programs and for the program across the board.

A. Programmatic Problems of Concern

1. Solid Waste Management. My prime concern is to seek EPA and House approval and then Congressional Enactment of new legislation for solid waste management as the present program runs out in June of 1973. Along with this we must redefine the future role of our Cincinnati operation and reduce this effort.

We are in the process of promulgating regulations which will apply to other Federal agencies' refuse collections and disposal practices; however, many of the Federal agencies -- including the Bureau of Mines, Farmers Home Administration, Appalachian Regional Commission, HUD Model Cities; HUD 701 (planning), HUD Operation Breakthrough, and others -- conduct solid waste (resource recovery), R&D, financing, or technical assistant activities which directly or indirectly impact on local agencies. To the extent possible, we must try to influence the direction and policies of these programs. Finally, a number of agencies -- including GSA, DOT, NASA, and DOD -- potentially could promote resource recovery by purchasing greater quantities of recycled materials.

2. Radiation. The major effort in radiation is to secure Agency approval of the radiation strategy with acceptance by OMB, AEC, and the Bureau of Radiological Health (HEW) required as well.
3. Pesticide. We see a need to greatly broaden the scope of pesticide activity in EPA beyond its historical concentration on registration, tolerance setting and monitoring. We need to address the pesticide problems across the board -- from manufacturing effluents through actual use to final disposal of containers or excess materials -- as to their impact on the environment, development of means to control adverse effects and instituting means to assure effectiveness of controls. The scope of EPA's mandate allows, indeed demands, the broad consideration of pesticide effects and solutions environment-wide.
4. Noise Control. There is an immediate problem of determining resource levels required to achieve the goals of the new legislation. The scheduling and explicit recognition of Congressionally mandated deadlines will follow the decisions on the resource levels obtained.

A major opportunity exists to reduce noise impact on the public of interstate motor, rail, and air carriers primarily because regulations would apply to both existing and new future equipment.

A second opportunity exists to direct the accelerating efforts of state and local governments to make them an effective part of an integrated nation-wide program.

The major problem will be the inability to bring about significant reductions in source and/or environmental noise levels affecting the public health and welfare within the next 4-5 years. To effect such improvement requires concerted action by state and local governments to control and regulate the use of existing noise producing equipment.

5. Toxic Substances. Administration posture with respect to previously submitted legislation must be decided. The development of new test procedures and protocols are needed to measure the toxic characteristics of existing and new chemical substances to determine their threat to human health. Resource allocations to this latter activity remain to be determined.

- B. Development of an Awareness of the impact of our regulatory action on industry R&D. All of the programs within the Office of Categorical Programs have an impact on industry generally, but the ones which regulate products, such as the Pesticide Programs, Toxic Substances Program, Noise Program, and portions of Solid Waste and Radiation Programs, can have a dampening effect on the industrial R&D effort directed at the development of new and improved products. This is especially serious in those cases where we are depending on the development of new environmentally-sound products to eliminate the need for undesirable products. Since government regulation does not fall evenly on all products produced in this country and since many of the companies affected produce both regulated and unregulated products, unreasonable regulatory actions, and even perhaps some reasonable regulatory actions, may have the effect of actually reducing the amount of R&D devoted to improvement of the environment. Our regulatory actions are only one part of a total strategy to achieve environmental protection; therefore, such a reduction in industrial R&D is directly relevant to the achievement of our program goals. One of the most difficult tasks before us is to develop techniques for assessing the impact of our regulatory actions on the industrial R&D and factoring that impact into our regulatory decisions. We have an initial study underway in this area, but a great deal more work will be necessary.

IV. How Do We Achieve Our Objectives

A. Programmatic Strategies

Each program area has developed a strategy to varying degrees for achieving its objectives. Those strategies layout the broad program goals and their impact, and detail the institutions and steps necessary to achieve these goals. The status and structures of these strategies are outlined below.

1. Solid Waste Strategy

Shortly after installing new management, OCP undertook a major redirection of the activities of the Office of Solid Waste Management Programs, the results of which are summarized in Attachment 1. More recently, OCP has been preparing legislative recommendations aimed at the three objectives: to ensure against damage to public health or the environment from inadequate land disposal, to upgrade the productivity of local systems, and to foster resource recovery. The specific activities recommended for accomplishing these objectives (Attachment 2) include a Federal hazardous waste land disposal permit program, a state permit program for non-hazardous wastes, output-oriented program grants to state agencies (preferably as part of a comprehensive EPA state program grant), strengthening of technical assistance, and a tax credit and/or other actions to build demand for recycled materials. Specifically rejected as unnecessary, inappropriate, or inefficient was any type of general financial assistance for local planning, facilities, or operations.

On the management side, OSWMP will build on the progress it already has made in turning the program's activities around and in bringing in a bright, aggressive staff by (a) cutting out remaining relatively unproductive or low-priority activities, and focusing those resources on preparing for new legislation, (b) working to improve the "delivery system", (c) using its technical assistance, financial leverage, etc. to push for institutional improvements at the state and local levels, and (d) trying to get others (private consultants, associations, etc.) to provide the same kind of productivity-related technical assistance which OSWMP has used to help cities.

Results achieved by the program have included the following:

- * State programs have been built up from nothing in 1965 to over 400 professionals today. Twenty-five states today have some kind of state land disposal restrictions.
- * Over 2500 environmentally offensive disposal sites have been eliminated--without Federal regulations or financial assistance.
- * OSWMP technical assistance has helped some cities drastically cut refuse collection costs with no sacrifice in service (e.g., Cleveland and Huntington Woods, Michigan cut costs by 44 percent and 64 percent respectively).

2. Pesticides

The Pesticides Office completed a first look at the range of problems to be considered early in FY '73 which indicated two things: (a) the lack of data adequate even for crude decisions and (b) the many alternatives which could be pursued to control any given problem area. A copy of this is attached (Attachment 3). As a result, we have set up a Special Projects Group in our new organization to carry out necessary analyses to fill existing gaps.

With respect to the new law, we have reorganized to conform logically and closely to the new program demands. A copy of functional statements and a chart showing the old and new organization are enclosed (Attachment 4). Highlights include:

- * A consolidation of functions designed to produce better and more efficient management of common technical services.
- * A combining of registration and tolerance activities to provide coordinated and more effective processing of applications.
- * An Operations Division to provide a focal point for our broadened problem-oriented, intergovernmental approach to pesticide problems, and
- * A criteria and Evaluation Division to better define requirements and protocols for industry, users and others, and support appeals actions.

Following closely on the signing of the law, a meeting for manufacturers, pesticide users and environmental groups, with the press as observers, was held to discuss our staff level intentions with respect to implementing the law (copy of handout enclosed as Attachment 5), answers questions, and invite specific comments from interested parties. We expect to soon publish essentially the handout material in the Federal Register to broaden the audience and to follow through on comments, recommendations, and questions at the local levels through our regional offices.

The overall Pesticides strategy is being revised by the Task Force on the Implementation of the Pesticide Act. An initial product of this effort will be available in early January.

3. Radiation

The Office of Radiation Programs has developed a comprehensive strategy and plan, aimed at protecting the health of the public and environment against unwarranted exposure to radiation. The strategy covers all sources of radiation. It covers four broad areas on a problem oriented basis:

- A. Problems relating to the generation and utilization of energy through nuclear power.
- B. Problems dealing with natural sources of radiation;
- C. Problems involving monionizing radiation; and
- D. Problems developing from non-energy uses of radiation, such as medical or industrial use.

The strategy has identified five generic areas that cut across all problems and 18 specific problem areas. Resources have been applied on the basis of priorities to accomplish objectives and defined milestones for all aspects of the program at all levels have been established. The strategy aims at establishing on a national level control means, whether they be standards, rules, regulations, for all sources of radiation, based upon a balancing of the risks, costs and benefits involved in the radiation generating activities.

The enforcement of these standards is to be undertaken by other parts of EPA, other agencies such as the AEC, HEW, Bureau of Mines, and

the states. While standard-setting is a national level activity, the implementation of these standards will be primarily aimed at the regional and local levels. It is expected that within the next four years source standards protecting the public from unwarranted exposures will exist for all sources of radiation, especially those which involve build-up of long-lived radionuclides in the environment in an irreversible manner. Measurement of the status of the environment and responses to emergencies through a monitoring program will be carried out in a coordinated manner with states and other Federal agencies. Further details of the strategy are presented in Attachment 6, Executive Summary.

4. Noise

In order to meet the requirements of the Noise Control Act of 1972 within the available and expected resources, the EPA strategy for implementation of the Noise Control Act of 1972 is to concentrate initially on the statutory requirements of the first 18 months following enactment; with sufficient commitment of capabilities to planning and initial operations to allow a rapid phasing into the planning FY '74 program. Heavy emphasis will be given to providing a credible level of achievement on the aircraft and airport noise study, the publication of the criteria document and the issuance of the interstate carrier noise regulations, in that order of priority.

In view of the extremely short times available for initial actions required by the Act, presently establishing EPA research projects will be continued, and as resources become available, expanded. Initially, the strategy calls for an assessment of the noise research programs now under way throughout the Federal Government, the development of requirements for both health effects investigations; control technology as a part of the national effort; and for a national noise monitoring and evaluation system. In the early time period (through FY '75) heavy emphasis will be given on demonstrations of advanced control technology, rather than fundamental research.

The initial regulations on interstate carriers will serve as a basis for the establishment of a noticeable improvement in noise conditions associated with transportation, which will be capitalized upon with the "new products" regulations to be issued initially 18 months following enactment. The strategy envisions that the interstate carrier regulations will include some requirements for modification or change to existing vehicles, within the limits of present technology and reasonable costs.

Regional Administrators will continue in the early phases of implementation of the Act, to provide minimal technical noise control activities. This includes review of environmental impact statements and investigations of noise resources associated with Federal agencies. Present support for Regional Administrators planned through contracts and the Headquarters Interagency agreements will continue. An initial limited base line noise measurement and monitoring system will be operated by the Regional Administrators, with presently available equipment, in accordance with recommendations provided by ONAC. A full scale technical assistance program for States and cities, including advice re model laws and ordinances, and noise monitoring programs will be phased in later FY '74, for full scale implementation in FY '75.

5. Toxic Substances

Strategic planning has proceeded on two fronts in this program. A program strategy was developed in June for the operation of the program in the event that the legislation did not pass. This is generally the plan the program is operating on, although the schedules have been changed slightly. This fall an additional strategy paper was done for the purpose of spelling out what kind of legislative authority is necessary. These strategy papers are included in Attachments 7 and 8.

In order to initiate action toward implementation of those objectives, we have undertaken to recruit a highly competent and technical professional staff with expertise concentrated in the natural sciences and economic analysis. We are continuing our program analysis and strategy development which will reflect experience and increasing understanding of the scope and nature of toxic substance problems. We are acquiring information sources to enable us to identify and evaluate potential problems as well as undertaking an increase coordination role in Federal regulatory involvement and control of toxic substances. A systematic analysis of the economic and commercial aspects of toxic substances production and use to increase effectiveness and efficiency of regulatory action is planned.

David D. Dominick
Assistant Administrator

OFFICE OF LEGISLATION

A (1) How Do You Define Your Current Assignment?

The Office of Legislation is a staff office representing the Agency in legislative, congressional and intergovernmental matters. In this capacity I direct, supervise, manage and coordinate the Office's activities, programs and related matters for the Agency. This Office serves as a spokesman for the Agency, interpreting Agency legislative and administrative policy to the Congress, Congressional staffs and national associations of state and local officials. Additionally, I inform the Administrator and other key officials of the Agency with respect to congressional, intergovernmental and legislative developments, opportunities and problems. I also assist the Deputy Assistant Administrator for Resources Management in matters pertaining to appropriations legislation. The Office also directs the preparation of the Agency's legislative initiatives and is responsible for the presentation and explanation of the Agency's legislative initiatives to representatives of the Office of Management and Budget, other Executive agencies and the Congress.

We also prepare or personally direct the preparation of review and analyses of new proposed or pending legislation, and proposed testimony, reports or information to be provided to the Congress by the Agency or by other agencies of the Executive Branch which affects or is of interest to the Agency. We participate, along with program areas, in determining the impact of bills, legislative proposals, testimony, and reports upon the authorities, responsibilities and programs of the Agency and advise the Administrator and other key officials of the Agency concerning such effect. We prepare or personally direct the preparation of position papers outlining alternative courses of action concerning the Agency's and the Administration's pursuit of legislative objectives. We also prepare reports on enrolled bills, recommending directly to the Administrator ultimate Administration disposition of bills passed by the Congress.

In cooperation with the Deputy Assistant Administrator for Planning and Evaluation, we identify areas for which Agency legislative initiatives are necessary or desirable, and develop legislative options and strategies with respect to such new legislative initiatives. Our staff drafts the Agency's legislative proposals. We act as spokesman on behalf of the Agency with respect to its legislative proposals, obtaining clearance for such proposals from the Office of Management and Budget, in consultation with other Executive Departments and Agencies. We prepare or direct the preparation of necessary documents forwarding the Agency's legislative proposals to the Congress; explain Agency's proposals and programs to Members of Congress and Congressional Committee professional staff.

Members of the Office prepare or direct the preparation of testimony to be presented by the Administrator and other key officials of the Agency before Congressional Committees and obtain clearance of such testimony from the Office of Management and Budget. We coordinate review of proposed testimony throughout the Agency, including Regional Offices, as necessary. We prepare and assemble supporting data and information necessary to brief the Administrator or other Agency witness for Congressional testimony. We brief the Administrator or other Agency officials scheduled to appear as a witness before Congressional Committees, identifying for such witness the legislative, congressional and program background, issues and problems anticipated for such hearings, and suggest appropriate responses and courses of action to deal with such issues and problems. We accompany the Administrator or other witness to the hearing. We assist the witness with information or data that may be required during the course of the hearing. We review and correct the transcript of the hearing, and assure that all requested information and data are provided to the Committee following the hearing. We inform key Agency officials, including Regional Administrators, members of key Congressional Committees, and others of testimony presented at all Congressional hearings, and alert the Administrator and other key Agency officials, staff of the Office of Management and Budget and of other Departments and Agencies, of scheduled or anticipated Congressional hearings. We review and coordinate Agency review of testimony, reports, and data proposed to be submitted to Congressional Committees by representatives of other Departments and Agencies.

The Office maintains liaison on behalf of the Agency with respect to the Agency's legislative initiatives and programs with Members of Congress, Congressional Committee staffs, other Departments and Agencies of the Executive Branch,

the Office of Management and Budget and the White House, explaining the Agency's legislative initiatives and providing analyses, data, and information in support of the Agency's legislative initiatives and programs, technical drafting services, and information and data, as requested by liaison contacts. We inform the Administrator and other key officials in the Agency of response to the Agency's legislative initiatives, counter-proposals, suggested amendments and other congressional developments.

We maintain continuing liaison with and provide information and explanation of the Agency's and the Administration's environmental legislative programs to Regional Administrators and Regional staffs, representatives of environmental groups, industry associations, state, local and regional authorities, press, representatives of foreign governments, and others. We also prepare briefing and explanatory information for presentation and distribution to Regional staffs, representatives of environmental groups, industry associations, state, local and regional authorities, press representatives of foreign governments, and others. We further organize and present briefings and explanations of the Agency's legislative initiatives and programs in Washington, Regional headquarters, and elsewhere, as necessary and appropriate.

We prepare or direct the preparation of responses to inquiries from Members of Congress, their constituents, representatives of state and local governments, trade associations, environmental groups, and others, concerning explanation of the Agency's legislative initiatives and programs, providing technical data and material from other Offices of the Agency or the Executive Branch, as necessary and appropriate.

On a continuing basis, our Office informs key White House officials of legislative developments with respect to the Agency's legislative initiatives and programs. We prepare analyses and comparisons of such initiatives and programs, and, upon request, prepare documents, statements, and press releases for officials in the Office of the President, the Vice President, and other key White House officials.

We maintain continuing close relationship with the Assistant Administrators and other staff offices to maximize the coordination to accomplish the purposes and objectives of the Office of Legislation.

A (2) What Is Its Objective?

The objective of the Office of Legislation is to develop strategies and plans to assure enactment of the Agency's legislative program.

B. What Is Its Current Status?

This has been a year of major progress in terms of achieving our first objective - enactment by the Congress of the legislative proposals for environmental improvement submitted by the President. The Congress enacted four proposals. The new legislation gives us authority to upgrade water quality and to curtail the dumping of wastes at sea. Also we can effectively deal with the increasing problem of excessive noise and control the misuse of chemical pesticides.

New legislation is badly needed in a number of areas. For example, to protect the land from the potential ravages of strip mining. There is also need for a power plant siting bill and new legislation to control land-use planning and regulation. Increasing amounts of solid waste create a need for an increased federal role. Sulfur oxides emissions which are regulated under the Clean Air Act - 1970 may be subject to a tax under one proposal the Administration is reviewing. All of the aforementioned proposals with the exception of solid waste were submitted to the Congress by the President but were not enacted. The President has requested congressional action on this package, and it is anticipated that all of the bills will be introduced in the forthcoming session of Congress.

C. What Are The Opportunities for Improvement In Accomplishing the Objectives Of Your Assignment?

Regarding the enactment of the Agency's legislative program the past record speaks for itself. The organizational structure of the Office is adequate. The personnel running the organization are capable. Therefore, it is my belief that with a few minor adjustments the Office is sufficiently prepared to gain enactment of the Agency's legislative program.

D. How Should It Get There? What Are The Steps To Fulfilling The Objectives?

We must develop and establish systematic, cooperative processes, consultation and areas of joint action with national policy organizations of state and local elected officials (as designated by OMB Circular A-85), with appointed officials, and, additionally, to maintain and strengthen these processes when established. In order to achieve these broad goals, I have identified seven specific tasks and assignments which, taken together, will constitute a coherent and systematic approach to the problem. The goals and the definition of mission in my judgment are realistic and attainable.

1. To develop effective liaison and working relationships between the Office of Legislation and the staffs of intergovernmental associations.
2. To strengthen and expand intergovernmental and interagency coordination and cooperation through the second National Symposium on State Environmental Legislation. At the same time, we will mount a program to involve the regional counsels and the assistants for intergovernmental relations of the Regions in this endeavor.
3. To develop proposed state legislation to support and supplement recently enacted federal environmental legislation (water, pesticides, and noise); to disseminate legislative proposals through national intergovernmental associations and Regional offices and encourage enactment by the several states.
4. To participate in and provide leadership as appropriate for intra-agency task groups in developing regulations and to insure thereby adequate state and local government consultation and participation.
5. To provide agency leadership in developing draft statement environmental legislation on the broad range of environmental concerns and to coordinate relevant policy guidance and decisions.
6. To continue and expand cooperative efforts between EPA program element managers and state administrators in areas of mutual concern and interest, e.g., National Permit System Task Force, Planning Task Force, Grant Formula Task Force, etc.

7. To work with state environmental administrators through the Intergovernmental Advisory Committee and the national professional organizations such as the Interstate Conference on the Environment, the newly established National Association of State Environmental Protection Agencies, and others.

Gary Baise,
Director

OFFICE OF INTERNATIONAL ACTIVITIES

1. How do you define OIA's current assignment?

To represent and advise the Administrator on the progress and impact of international programs and issues; provide leadership and a focal point for the conduct of Agency international activities in collaboration with other Federal and State agencies.

The Office of International Activities is, by design, a small cadre-type organization structured to ensure that the operating components of the Agency's international involvement are maintained in the program offices where they can be effectively integrated with domestic priorities. No attempt is made to create international programs separate from the Agency's domestic responsibilities, thus the international activities are an extension of the domestic programs. The Office also has program management responsibility for the Special Foreign Currency Program (SFCP).

2. What is OIA's current status? Where does it stand?

During the past year the Agency has just begun to benefit from our international activities. We will see more in the coming year as our ongoing programs begin to reach the fruited stage.

Internally, we have established the Office of International Activities and set agreed procedures and methods of operation in the Agency. Specifically, we have:

- a. Centralized all international policy decision-making machinery;
- b. In conjunction with Agency program offices, identified priority areas for mutual cooperation with counterpart agencies;
- c. Established priorities for Agency participation in international organizations;
- d. Focused agency participation on specific cooperative bilateral activities and projects rather than inter-minable panel and working group meetings, and;
- e. Established an Agency international oceans group to concentrate on marine pollution matters.

In our external program, we have broadened our multilateral and bilateral programs by:

- a. Relating participation in international organizations more closely to domestic problems and needs;
- b. Taking the leading role in the development, negotiation and implementation of the Great Lakes Agreement with Canada;
- c. Assuming a major part in U. S. preparations for and participation in the UN Conference on the Human Environment in Stockholm;
- d. Conducting the Air Pollution Project and participating in river pollution and advanced waste treatment projects under the NATO Committee on the Challenges of Modern Society;
- e. Participating in seven of the eleven agreed areas of the U. S.-Soviet Agreement for the Protection of the Environment;
- f. Assisting in developing U. S. positions for the Ocean Dumping Convention, the Inter-Governmental Maritime Consultative Organizations Convention on Marine Pollution;
- g. Participating in efforts to minimize the effects of pollution control activities on international trade in the Organization of Economic Cooperation and Development Environment Committee;
- h. Taking part in bilateral activities of direct program interest with a number of nations, including Canada, Japan, Sweden, the United Kingdom, and Germany;
- i. Assisting in the U.S.-Mexican arrangements on the Colorado River salinity problem;
- j. Initiating development of a documents exchange program with environment agencies of interested advanced nations.

The Special Foreign Currency Programs (SFCP) has developed to the extent that it currently supports 33 projects in various disciplines. In Fiscal Year 1972 the program funded 21 projects totaling roughly \$4.4 million. It is anticipated that the program will be maintained at this level due to both Agency manpower limitations and the desire to support only those high quality projects which contribute to the

achievement of EPA program goals. Although these projects strengthen the participating countries' environmental control capability and are all of mutual interest, the primary objective of this program is to acquire results needed by EPA.

The technology assistance program operated on a very limited basis in 1972. The objective will be to increase the foreign industrial techniques and information flow to the U. S. from countries with common problems. We have barely begun to establish the relationships necessary to assure an orderly exchange of technical information. We have met with representatives from foreign Embassies, U. S. Science Attaches stationed overseas, and numerous industrial representatives from both the U. S. and foreign countries to provide more information on EPA's activities and standards and have given briefings on the responsibilities of the Agency. This activity will be expanded in 1973 with emphasis placed on increasing the knowledge base in the American Embassies and the flow of information to EPA. As a service to U. S. industry, the Office of International Activities will provide information on the international implications of both the U. S. and foreign pollution regulations and standards. This effort will be closely coordinated within EPA and with the Departments of Commerce and State.

3. Where should OIA go? What are the opportunities for improvement in accomplishing the objectives of OIA's assignment?

Principal program directions have been established. We believe they are sound, and in the year ahead we should continue along these paths, with fine tuning and new direction where necessary.

We will place increasing emphasis on bilateral arrangements through which we can undertake projects of direct interest to our program needs. A priority for implementation is the Great Lakes Agreement. We must provide whatever assistance we can to abate the salinity level of the Colorado River into Mexico. While we continue to place priority emphasis on our joint activities with Canada and Mexico, we plan to broaden our contacts with Japan, Germany, and the UK in that order. The U.S.-Soviet Agreement will give us wide opportunities to explore short and long range cooperation with the USSR.

Multilaterally, the implementation of the Stockholm Conference recommendations provides the best avenue for achieving our aims of influencing other nations to move ahead in pollution control. We will give this high priority. We should also devote strong effort to the activities of the OECD, which is seeking to reduce trade effects of pollution control policies and is also looking into common standards.

In NATO's CCMS we will maintain the current efforts; new prospects may emerge in solid waste and noise pollution, while air pollution declines. With State and CEQ we should seek to broaden East-West contacts through the Economic Commission for Europe and the upcoming Conference on Security and Cooperation in Europe. We will need to investigate ways to improve our assistance to less developed nations, primarily through the UN. With an ocean dumping bill and the international passages of the new water bill, we have a chance to strengthen EPA's current rather feeble role in international efforts to combat ocean pollution.

The SFCP has reached an appropriate level. The quality of the program should be maintained and although there will be a turnover of projects as work is completed and new projects are initiated, expansion of this program is not warranted at this time. The best capability in the excess currency countries is clearly in Yugoslavia and Poland. Although high quality work can be supported in both India and Egypt, political relationships limit the Agency's capability to develop meaningful programs at this time.

4. How should OIA get there? What are the steps to fulfilling the objectives?

To achieve our objectives and to take advantage of the opportunities outlined above, we must continue to refine Agency machinery for the conduct of international activities and to broaden our contacts with other foreign agencies and governments. We must ensure that we get the highest practicable rate of return on agency resources invested in international projects. To accomplish this, we will work more closely with the program managers assigned to individual projects to ensure that they fully appreciate agency responsibilities of cooperative activity and that foreign investigators provide the information needed to strengthen our domestic programs in environmental protection. Through these efforts, EPA will be able to obtain the results of the cooperation without additional expenditure of funds.

In all our programs we will seek, where possible, to encourage cooperation on specific projects of interest and reduce unstructured information exchanges.

Through the Special Foreign Currency Program we will press for the Department of Treasury authorization to support additional environmental programs in excess currency countries, such as Poland, Yugoslavia, and Tunisia, where such currencies are now in smaller quantities. We will also be alert for opportunities to initiate projects in India and Egypt.

In summary, I believe the international program is contributing to the accomplishment of the Agency's objectives at home and the country's objectives abroad. The actions taken this year are landmark accomplishments in the international field and EPA has been a major participant. There are as many opportunities in the years ahead. Concurrently, we will be gaining greater benefits as we learn to use and improve upon our international activities. As international cooperation becomes more important to preserving the global environment, I expect OIA's role will continue to be significant.

Fitzhugh Green
Associate Administrator

OFFICE OF FEDERAL ACTIVITIES

I. Functions and Responsibilities

The duties of the Office of Federal Activities (OFA) fall into three major groups: Management of the environmental impact statement (EIS) program for EPA, under the National Environmental Policy Act (NEPA), environmental protection at Federal facilities, and environmental protection through Federally supported and controlled activities. The common purposes of all three activities are to minimize the adverse environmental effects of all Federal actions and to provide leadership from the Federal Government in the nationwide effort to protect and enhance the environment.

A. Management of the EIS program for EPA includes:

- ° Development of recommendations to CEQ and OMB on national policies and procedures relating to the preparation of EIS's pursuant to NEPA.

- ° Development of internal policies, procedures, and guidelines for EPA review of other agencies' statements.

- ° Coordination of the preparation of comments by program and regional offices on statements submitted to EPA by other agencies.

- ° Development of policies and procedures for the provision of technical assistance to other Federal agencies in their preparation of EIS's.

- ° Development of policies and procedures for the preparation of EIS's relating to EPA programs.

B. Environmental protection at Federal facilities includes:

- ° Development of recommendations to CEQ and OMB on national policies and programs relating to the control of pollution from Federal facilities pursuant to the Clean Air Act (CAA), the Federal Water Pollution Control Act (FWPCA), the Solid Waste Disposal Act (SWDA), and Executive Order 11507.

° Development of internal EPA policies, procedures, and strategies for evaluating and providing technical assistance to Federal agencies in controlling pollution from their facilities.

° Coordination of EPA review of Federal agencies' fiscal plans for installing pollution control measures submitted under Executive Order 11507 and OMB Circulars A-78 and A-81.

° Liaison with Federal agencies to discuss their environmental programs and problems, and their internal procedures for dealing with these problems.

° Direction of inquiries or requests from Federal agencies for technical advice and assistance to appropriate EPA offices.

° Development of an automated system to assist Federal agencies to conduct a comprehensive multimedia inventory of environmental problems and pollution abatement programs.

C. Environmental protection through Federally supported and controlled activities includes:

° Development of recommendations to CEQ and OMB on national policies and procedures relating to control of pollution from activities supported by Federal grants, loans, and contracts and from activities authorized under Federal licenses and permits, pursuant to Sec. 306 of the CAA and Sec. 508 of the FWPCA.

° Development of internal EPA policies, procedures, and strategies for providing technical advice and assistance to Federal agencies in the control of pollution from activities supported or authorized by Federal grants, loans, contracts, licenses, and permits.

° Development of EPA policies and strategies for reviewing Federal licenses and permits, especially Corps of Engineers (COE) dredge and fill permits under Sec. 10 of the River and Harbor Act.

° Coordination of EPA review of Federal agencies' legislation, manuals and regulations having significant affect on the environment, pursuant to Sec. 309 of the CAA.

II. Current Focus

A. EIS Program

Approximately one-half of OFA's resources are devoted to coordinating EPA's review of Federal environmental impact statements (EIS's). In addition to NEPA, which mandates interagency review of EIS's, Sec. 309, CAA, specifically requires the Administrator to review proposed legislation, regulations and major Federal actions to which NEPA applies. Under Sec. 309, EPA is to make its written comments available to the public. EPA reviews and comments publicly on every draft EIS which it receives and is instituting a program to increase its review of final EIS's that present major issues. The greater part of the large burden which this responsibility creates is borne by the regions (with policy guidance from OFA) but EIS's on actions of national scope or which are controversial in nature are reviewed at headquarters. Among these are EIS's on nuclear power plants, the reviews of which are managed in Washington. EIS's on proposed agency legislation, regulations, and standards are also reviewed at headquarters.

In order to improve the management and policy guidance of the EIS review effort, OFA has recently focused on three specific areas which are described below.

Regional Liaison Staff activities were formerly concerned with daily assistance to the regional EIS review personnel. This was extremely valuable in establishing good regional programs. After a year's experience, it was clear that better review guidelines were now needed more than case-by-case assistance. Therefore, the Regional Liaison Staff has changed emphasis from assistance on individual projects to the development of general guidelines for the review of specific classes of EIS's. The first of these guidelines, on evaluating highway projects, is presently nearing completion.

A management study of regional EIS review programs has been initiated to assess the effectiveness of present EIS review practices. Each region has been asked to grade its own EIS comment letters according to criteria devised by OFA, and the results will be used to attempt to establish correlations between manpower resources applied to the review of an EIS, the type of comments made, and their substantive effects on the proposed action.

EPA Manual 1640.1, general procedures for "Review of Federal Actions Impacting the Environment," has been completed and approved. These procedures provide comprehensively for EPA's review of Federal agency actions impacting the environment, including those actions requiring an environmental impact statement and those which EPA is charged to review under Section 309, CAA. Thus, the procedures are also relevant to OFA responsibilities related to Federal actions. Major procedural improvements under the new manual include:

- ° Increased participation in the computerized information system by EPA regions and the Office of Legislation.

- ° A stronger EPA position in implementing Section 309, CAA, by:

- reviewing and rating draft and final EIS's under an improved rating system and publishing the ratings in the Federal Register;

- improving the coordination of review of legislation and related EIS's;

- improving management of review of Federal agencies' proposed regulations;

- setting forth procedures for referring major actions to CEQ if they are determined by EPA to be environmentally unsatisfactory.

EPA's responsibilities under the National Environmental Policy Act do not end with reviewing other agencies' EIS's. The Agency must write EIS's on its own projects, and OFA has been active in formulating agency policy on this subject. The two major efforts which the office has undertaken are described below:

- ° Procedures for applying the requirements of NEPA to relevant groups of EPA's own actions are nearing completion. These procedures will replace the summary, published as proposed rulemaking in January 1972 and they are presently ready except for sections which require major changes due to the new water bill. The suggestions incorporated from comments on the earlier proposed regulations include:

- adoption of a public "notice of intent" each time EPA decides to prepare an EIS.

--calculation of minimum review periods from the date of receipt of the statement by CEQ.

--adoption of a policy to prepare EIS's on water quality management plans wherever possible to prevent construction grant projects from being studied on a piecemeal basis.

--inclusion of data on undesirable land use patterns in our EIS's.

--inclusion of a provision making additional copies of EPA's EIS's available to the public from the National Technical Information Service and regional libraries.

--expansion of guidance on public hearings and hearing notification procedures.

Because of the substantial revisions made in the procedures, they are being provided again for public and agency comment.

The report of the NEPA Task Force, which OFA chaired, has just been completed (November 1972). It sets forth the effects which may be expected from applying NEPA to the following 11 EPA regulatory activities.

- ° National Ambient Air Quality Standards
- ° Approval of State Air Implementation Plans
- ° Standards of Performance for New Stationary Air Sources
- ° Emission Standards for Hazardous Air Pollutants
- ° Motor Vehicle Emission Standards
- ° Pesticides Registration Program
- ° Cancellation/Suspension of Pesticides
- ° Solid Waste Management Guidelines
- ° General Federal Radiation Guidance
- ° Generally Applicable Environmental Radiation Standards

B. Federal Facilities

Executive Order (E.O.) 11507 is the principal authority for the application of pollution standards to Federal facilities. It is being revised in order to:

° incorporate several legislative changes which have occurred since the Order was written.

° include solid waste, noise, pesticides and radiation as well as air and water.

° improve implementation of the Order by strengthening EPA's role.

° revise OMB Circulars A-78 and A-81 established by the Order to follow Federal agencies' pollution abatement projects.

In conjunction with E.O. 11507, OFA has initiated a major effort to protect and enhance environmental quality on Federal facilities. The two initial steps in that effort which have been completed are the review of FY 1974 air and water projects under OMB Circulars A-78 and A-81 and a feasibility study on a multi-pollutant inventory.

Each year, EPA reviews the A-78 reports (air) and A-81 reports (water) submitted to OMB by all Federal facilities to analyze for OMB the adequacy and priority of the pollution control projects planned by each agency. The results of this review are submitted to OMB for use in preparing agency budget submissions to the Congress. This year OFA also entered all active and proposed air and water abatement projects on a computer file which will increase the agency's ability to:

° pinpoint which Federal pollution abatement problems and projects are located in priority air and water basins.

° assess whether Federal pollution abatement funds are being spent effectively.

° allocate EPA Federal activities resources in the regions to deal efficiently with Federal facility pollution problems.

A feasibility study for a Federal facilities inventory is nearing completion. This study, to determine the advisability of conducting an inventory of all environmental problems at all Federal facilities, was contracted to the Argonne National Laboratory and presents conclusions favorable to conducting such an inventory.

C. Federal Actions

OFA's activities concerned with the environmental effects of Federal actions overlap with the EIS process. Many Federal actions with significant environmental effects are covered by EIS's. Concerning those which are not,

there are three statutes granting EPA or the President (and thence, by executive order, EPA) authority to impose environmental constraints or to make comments on the environmental aspects of the actions:

- ° E.O. 11602 provides for the administration of the Clean Air Act with respect to Federal contracts, grants and loans. OFA has prepared regulations to implement E.O. 11602 and they are presently awaiting OMB concurrence.

- ° Sec. 508 of the FWPCA is the corresponding section in water. There are as yet no executive orders or regulations to implement this section, but plans for them are being developed.

- ° Sec. 309 of the Clean Air Act (also discussed earlier) authorizes the Administrator to review and comment on the environmental effects of several types of Federal actions. EPA has been reviewing and commenting on legislation and some proposed regulations pursuant to this section.

Under the Corps of Engineers procedures for reviewing dredge and fill permits (Sec. 10, River and Harbor Act), EPA regions have the opportunity to comment on all permit applications. From 1-3 man years are devoted to this effort in most regions; enough to see that water quality protection stipulations are put in many permits, but not enough to follow up with an aggressive implementation program. As NPM for this activity, OFA has assisted regions in several specific permit issues (in cooperation with OWP), but has not had the resources to study this complex program thoroughly and provide new program guidance to the regions. OFA's 1973 program planning incorporated a study, in conjunction with OWP and OEGC, of the benefits of this activity, development of both new regional guidelines and review criteria, and a possible memorandum of understanding with the Corps.

To the extent limited resources permit, OFA and the Federal activities staffs in the regions have been working with Federal agencies to include environmentally protective stipulations in several Federal leasing programs for mining and timber harvesting (OWP's Office of Oil and Hazardous Materials has been working in a similar fashion with the U.S. Geological Survey's oil leasing program). OFA has provided guidance to HUD in its new communities, seasonal home mortgage and various housing programs; and to DHEW in its hospital construction grant program. This area of effort could have a tremendous impact on many private

activities that are regulated or encouraged by the Federal government. The major thrusts OFA has planned for FY 1973 have involved the Federal facilities and EIS review programs. However, planning for future fiscal years will increasingly emphasize the diverse activities covered by Federal licenses, leases, permits, loans, grants and other actions.

D. Activities Relevant to All Functions and Responsibilities

OFA has begun to participate actively in EPA working groups in order to identify the aspects of new EPA actions affected by NEPA and to identify the effects of agency standards and regulations on other Federal agencies. Since nearly all agency activities have these characteristics, OFA participates in most working groups.

Liaison with regional Federal activities and EIS personnel is a continuing function of OFA which recently included a survey of the Federal activities organization and activities in each region.

III. IMPROVEMENT OPPORTUNITIES

A. EIS Program and NEPA

EPA's lack of guidelines for reviewing specific classes of EIS's submitted by other Federal agencies has been criticized by the GAO. As discussed under current focus, OFA has already begun to develop documents to fit this need. OFA is preparing or coordinating development of such guidelines as resources permit.

EPA's NEPA performance has been widely critized on the grounds that we are not preparing enough impact state-ments. OFA has analyzed regional data on implementation of NEPA by the Construction Grants Program. This analysis indicates the need for a greater commitment of EPA resources to prepare environmental assessments of EPA actions, negative declarations, and EIS's.

Additional revisions to EPA's NEPA procedures were needed for programs affected by the FWPCA as amended (con-struction grants, planning, research and discharge permits for new sources). While changes in the existing procedures were made to deal with most of these legislative amendments, a major remaining task is to define EPA's NEPA responsibili-ties with respect to new source discharge permits, especially if and when individual states are certified to grant those permits.

Several states currently have or are developing NEPA type procedures for state and municipal major actions significantly affecting the environment. Measures should be taken to assist the states in these endeavors and to ensure coordination of environmental assessments or EIS's on those projects receiving funding from more than one level of government.

B. Federal Facilities

An executive order is needed to implement the pending solid waste guidelines and reflect recent legisla-tion requiring Federal agencies to meet Federal, state and local pollution control and abatement requirements in the air, water and noise areas. The revision of E.O. 15507 discussed in section IIIB of this document will satisfy these needs. Once the new order is issued, EPA will have a coordinated basis for implementing a comprehensive environ-mental management system for air, water, solid waste, noise,

radiation (and possibly pesticides) pollution prevention and abatement at Federal installations.

The Federal government lacks systematic information to assure itself and the State and local governments that environmental standards are being met at Federal installations. A Federal facilities inventory encompassing all environmental systems at Federal facilities is needed. A revision of E.O. 11507 would provide for establishing a total environmental management system for Federal facilities, hopefully including the multi-pollutant inventory presently being studied by Argonne National Laboratory.

Applicability of state pollution control permits to Federal installations is a subject of heated debate between some states and Federal agencies. OFA is cooperating with OEGC and other EPA offices to develop a Federal agency compliance system which will meet Federal, state and local requirements in an integrated system. Interim guidance was issued to the regions during August 1972 to urge Federal facilities to cooperate with the states and meet all substantive pollution control requirements but OFA indicated that this need not mean applying for state permits. OFA staff members have discussed individual problems with several states; some states will press for permits and some will not. The issue will ultimately be decided in the courts. In the meantime, EPA must move aggressively with its compliance strategy to avoid stalemates and resultant delays in pollution abatement by Federal agencies.

C. Federal Actions

EPA's implementation of Section 309 of the Clean Air Act, requiring the Administrator to review and comment on many types of Federal agency actions--including legislation, regulations and EIS procedures--has been piecemeal. Due to its limited resources it has not been possible for OFA to survey all proposed actions to find and review those with significant environmental effects. Nor have there been any criteria for other agencies to use in deciding which actions to refer to EPA for review. Additional problems have arisen from lack of coordination with the regions and several headquarters offices which sometimes conduct reviews which fall in this category. Actions to solve these problems will constitute one of OFA's major future thrusts, described in section V of this document.

EPA review of Corps of Engineers dredging permits is a function carried over from the Federal Water Quality Administration. While under Interior, the FWQA reviews were combined with those of the Fish and Wildlife Service to form a comprehensive aquatic protection approach. Now these reviews are separated; regions continue to review the permits along the same lines as before. Some regions carry out the Section 10 reviews in their Enforcement Division along with water discharge permits, others assign the responsibility to the Air and Water Division, and still others to the Federal activities personnel. Neither Enforcement nor Air and Water, nor OFA has provided revised guidance for conducting these reviews. OWP developed interim criteria for disposing of polluted dredge spoil, but these guidelines were only partially applicable. The FWPCA, as amended, gives EPA affirmative responsibility for determining criteria for the disposal of dredge spoil (but not for filling and other environmental effects of activities covered by Section 10 permits). The Office of Water Programs established a working group with the Corps to develop those criteria. There is a need to sort out the proper organizational arrangement for the Section 10 Permit review program and to explore the alternative methods of carrying out this responsibility; i.e., give the Corps general guidance and let them review individual permits; review only permits for major dredge and fill projects; or review all permits. Cooperative arrangements with the Fish and Wildlife Service also need to be explored.

D. Activities Relevant to All Functions and Responsibilities

The EIS review programs in the regions, because they must result in a coordinated response, have integrated air, water, solid waste and (to a lesser extent) noise, radiation and pesticides, and have been fairly well coordinated. However, much remains to be done to improve the integration of EIS reviews with various technical assistance functions carried out elsewhere in the regions, such as water quality reports for Federal water resource projects. Still more improvement is needed in integrating regional Federal activities staffs and improving their ability to develop common approaches, assess priorities across media lines, and set up multi-media inspection programs. Many regions also show lack of communication between EIS and Federal activities personnel, especially outside the water area.

Establishing the appropriate functions of OFA vis-a-vis the headquarters media-oriented programs also remains a complex task to be accomplished.

IV. Future Thrusts

A. EIS Program

Coordination of EPA's review of Federal EIS's will continue to be a major segment of OFA's activities. This effort will include continuing the review of controversial and nationally important EIS's, and maintaining the computer file of all EIS's received by EPA.

In order to provide better guidance to the regions on reviewing specific classes of EIS's, OFA will develop guidance documents. A document on reviewing proposed highway projects will be completed in draft form by mid-December; and, subject to the constraints of available manpower, others will be prepared on power plants, airports, maintenance dredging, multipurpose dams, and stream channelization projects.

A cooperative CEQ-EPA study of the impact of Impact Statements is presently under consideration to assess what effect NEPA has had on the decision-making process of Federal agencies and what influence comments have had on specific projects. The study may compare pre and post NEPA decision-making processes in several Federal agencies and trace examples of several types of projects from the initial proposal, through internal and external environmental reviews, to the final plan.

B. The revision of E.O. 11507 and the establishment of a full Federal agency compliance system based on the Federal facilities inventory will form the core of OFA's future activities in protecting the environment on Federal facilities and lands. The revised executive order will provide the authority for an EPA coordinated compliance program covering and integrating all categories of pollutants. The Federal facilities inventory will provide the data base for initiating the program and directing its efforts. In addition, a possible multi-pollutant permit system for Federal facilities would further the integration of various factors of environmental management on Federal lands and facilitate study of the relationship of land management techniques and pollution control.

Testing environmental management concepts on Federal installations will become increasingly possible as the in-

ventory catalogues the problems to be dealt with and as the more immediate air and water pollutant discharge problems are brought under control.

Improvement of interagency liaison will also become a major OFA initiative. OFA plans to organize systematic meetings with other Federal agencies to go over the environmental problems on their installations and the environmental effects of their various programs. Reports on the present status and problems of each agency would be forwarded to the Deputy Administrator and interested Assistant Administrators.

C. Federal Actions

Implementation of the E.O. 11602 regulations governing Federal contracts, grants and loans will require issuance of a handbook for Federal contracting officials and provision for the hearings required by the bill. These regulations are presently awaiting OMB approval. A similar executive order and regulations will be prepared to implement Sec. 580, FWPCA.

To improve the current piecemeal efforts to implement EPA's responsibilities under Sec. 309 of the Clean Air Act (discussed in Section IIIC of this document), OFA has requested the regions and program offices to expand their reporting to OFA of reviews done pursuant to this section. OFA will also:

- ° improve coordination with EPA's Office of Legislation and propose integrating legislative reviews into OFA's computerized reporting system;

- ° develop criteria for agencies to refer regulations that may affect air, water, or other areas under authority of the Administrator to EPA for review.

The revised reporting procedures for all environmentally oriented Federal actions and documents are contained in proposed order 1640.1, which is scheduled for official implementation on 1 January 1973. A study to develop the criteria for agencies to refer regulations to EPA will be designed and initiated in the near future. It should be recognized that these criteria for referral will increase other agencies' awareness of EPA's 309 review responsibility, thereby increasing the number of requests EPA will get for comments. This may in turn lead to problems due to lack of EPA capability to handle the review of these documents. This contingency will be evaluated in developing the criteria.

A management study of EPA's present mode of reviewing Corps of Engineers dredging permits will be conducted, beginning 6 December. It will include assessments of the possible organizational and procedural alternatives for conducting these reviews in the future. Discussions will be held with OWP, OEGC, the Corps, CEQ and the Department of the Interior. OFA will also request the opportunity to participate in OWP's work group on dredge spoil disposal criteria.

OFA will explore means to set up environmental seminars for government officials. The seminars could be part of existing Civil Service Commission programs and Federal Executive Institute meetings and would be designed to increase the awareness of Federal officials of environmental problems both affecting and affected by Federal programs.

The Federal activities and EIS programs afford EPA one of its best opportunities to make reality of the idea that created the agency--the belief that environmental protection could best be achieved by integrating Federal programs for protecting air, water and land quality. This coordinated effort will also provide a test bed to determine feasibility, costs and public acceptability of new concepts in pollution prevention and abatement. The fact that approximately 30% of the land of the nation is owned by the Federal Government mandates a concerted and multi-media program to ensure that this land and its tenant facilities are operated in the best possible environmentally protective manner.

Sheldon Meyer
Director

OFFICE OF PUBLIC AFFAIRS

1. Definition of Current Assignment

The basic objective of the Office of Public Affairs is to increase the level of general awareness of the Agency and its principal activities. It is our belief that our success as an Agency is very largely dependent upon the general public being aware and informed.

The theme that we have adopted is that the environment is not just one more cataclysmic issue which no one can or will do anything about. It is a critical issue to be sure, but it is an issue about which something can, and is being done by this agency, by other agencies, by industry, and by citizens' groups.

We see the issue in a broader context as well, in that it provides a unique opportunity for all of us, not only to help restore environmental quality, but in addition to help restore some faith in the individual's ability to participate effectively in this cause; and therefore, to help restore some badly needed credibility in his government.

The attainment of the current assignment for Public Affairs is effected through five operating divisions: Press Services Division, Communications Services Division, Regional Support Division, Headquarters Support Division, and Citizen Support Division.

Press Services Division

This Division is EPA's main contact point with the nation's news media. It plays a vital role in informing the American people about the U. S. Environmental Protection Agency, its programs and what can and must be done to protect and restore our environment.

In order to carry out this function, the Division is divided into two branches, News Branch and Radio and TV Branch.

The News Branch answers phone inquiries from all the news media and prepares or edits an average of one press release a day for distribution to news outlets across the country. It also feeds information to USIA for distribution of news about EPA activities around the world.

The Radio-TV branch makes a special effort to ensure that the electronic media are fully aware of news developments which might be

of particular interest to radio and TV. This Branch is helping to produce increasing radio-TV coverage of EPA.

Communications Services Division

This Division identifies the need for and develops the Agency's public affairs materials and provides for their dissemination. This includes publications, motion pictures, exhibits, radio and television announcements. It also prepares speeches and by-line articles for the Administrator and Deputy Administrator. It performs editorial research, providing information derived from non-technical publications for the Administrator and members of his immediate staff. It compiles the weekly news briefing book for the Administrator and staff, as well as the daily briefing clips. Among its special projects are: DOCU-merica, The Fine Arts Program, and several monthly periodicals.

This Division produces a broad range of environmental publications aimed at the general public or various specialized segments of that public.

Headquarters Support Division

The newest Division within the Office of Public Affairs was created six months ago to give stronger public affairs support and assistance to all Headquarters programs. It collaborates with program elements to provide the best use of public affairs techniques in achieving EPA program goals. The Division also coordinates public affairs support internally, such as arranging with the Communications Services Division for appropriate pamphlets, leaflets, motion pictures, exhibits, and other materials; with Press Services Division for press releases, feature articles, editorials, interviews and radio and television announcements; and with Citizen Support Division for coordination of educational and citizen support activities.

Regional Support Division

This Division provides a daily liaison between Headquarters Office of Public Affairs and the Regional Public Affairs offices in the ten regions. This responsibility involves informing the regions of upcoming news events in Washington and coordinating them with the regions and in turn, coordination of news events in the regions with Headquarters.

This Division is responsible for aiding Regional Public Affairs offices in the performance of their tasks in the regions and advising them concerning Agency policy and procedures. Quarterly meetings of

all Regional Public Affairs Directors are held with the Headquarters Public Affairs top Administrative Officers in order to maintain continued liaison and top performance.

As an element in bringing EPA's message to the public and gaining its support, this Division's executive scheduling program serves as a focal point for coordinating speaking engagements of key Agency personnel.

Citizen Support Division

The Citizen Support Division has the responsibility of providing information and educational materials concerning EPA to schools, trade, labor and service organizations and others, for responding to public inquiries, for answering "Freedom of Information" requests under 81 Stat 54, for organizing construction and operating the National Environmental Visitors Center, for assisting interested organizations and interest groups to become involved in environmental studies and for making the views of such groups known to officials of EPA for their consideration, for establishing regular channels of communication between EPA and identifiable segments of the society and economy--trade, labor and service organizations and others, and for providing program information to community, regional, and national organizations.

2. Current Status of Public Affairs Objectives

The Office of Public Affairs in the early part of FY 1973 completed its reorganization into a centralized Public Affairs Office for the entire Environmental Protection Agency. The Office of Public Affairs is providing press services support to all Environmental Protection Agency program offices and maintains communications with the press, electronic media and the trade press specializing in environmental subjects.

Specialized publications aimed at informing the general public or special interest segments of the public about specific environmental programs are under production. In addition, films are being produced for use on television and for regional viewing by conservation groups, civil organizations, and schools to demonstrate through this medium a wide variety of environmental subjects, efforts, and projects.

As a follow-up to the passage of the new legislation in the water, noise, pesticides, and ocean dumping areas, publications and films are being prepared, or have been prepared, to inform the public of this legislation, and where necessary, to encourage the public to react to and benefit from the new legislation.

The aim of the Office of Public Affairs is to keep the American public informed of the status of its environment and of the efforts being made by local, State, and National governments aided and encouraged by private citizens and citizens' groups. Judging from the response from all levels of environmental interest, there continues to be a large demand for environmental information at all levels of American society, and to meet this demand, the Office of Public Affairs continues to provide a multifaceted program of public information.

The Office of Public Affairs has established communications with minority groups and continues to pursue the policy of providing information to the minority press and to treat with particular concern the problems of the urban centers.

The President's Environmental Merit Awards Program (PEMAP) has established a vital communications link with the nation's grade schools and with this current school year, this program has been expanded to all the nation's junior and senior high schools. Response to this year's program has grown in both enthusiasm and scope, indicating the continued interest on the part of school children and their teachers of broadening environmental awareness and learning by and for the nation's students.

3. Opportunities for Improvement

The presentation to the public of environmental problems is rapidly moving from the awareness phase to what I shall call the "How To" phase.

The efforts of EPA and other organizations, both public and private, since interest in the preservation of our environment first burst upon the Nation approximately three years ago, has been concentrated on alerting citizens to the dangerous degradation of the world around us. It now appears, with one or two exceptions, that the Nation is now alert to its environmental problems. The firehouse has rung the alarm and the alert has been heard.

With the nation and its citizens now alerted and concerned about environmental problems, the Office of Public Affairs now sees its role switching to one of informing the public on the "How To" of environmental subjects. This means carrying to the people success stories of environmental effort in one community, municipality, or State to other areas so that the lessons learned or the message generated can be transmitted by emulation or improvement.

We see our task for the near term as one of spreading the word throughout the country on ways that environment progress can be effected, by encouraging citizens, organizations, municipalities, or States of one area to improve on or emulate the successes of citizens in another area.

The end result of this gradual transition from an objective of awareness to one of action and involvement will be to pass along to the American public a spirit of hope and accomplishment that positive steps are underway and initial objectives are being realized towards improving our environment.

Successes will not always be complete but the message should be one of demonstrating that striving and attempting is a much more important step than mere viewing with alarm.

Concomitantly, the requirements of Section 101(e) of the Federal Water Pollution Control Act Amendments of 1972 place upon EPA and the Office of Public Affairs the responsibility to involve the public, in an as yet undefinable degree, in the promulgation of rules, regulations, and procedures of this Agency. This responsibility puts EPA in a bellwether position of putting into effect a legislative mandate that is new to administrative procedures. The development of public participation guidelines and meshing their hopes and aims with the practicalities of efficient administration presents an opportunity for EPA to provide a showcase that may in future years produce a model of cooperation between a government and its citizens in an era when the citizens are searching for a government it can trust.

4. Plans for Fulfilling Objectives

Through its five divisions, the Office of Public Affairs is working in a variety of ways to fulfill its mandate of bringing the "How To" message to an environmentally aware citizenry and of developing procedures for satisfaction of public participation requirements. Among plans for fulfilling these objectives are the following:

Developing and improving radio and electronic media coverage of environmental subjects and EPA actions and activities. This includes improving liaison with radio-TV news directors and encouraging their use of public service radio and TV spots, films, and documentaries.

Production of publications, films, and electronic media spots explaining new legislation in the water, pesticides, noise, and ocean dumping fields. In particular, pamphlets and films explaining the new legislation are being pushed to satisfy the public demand already being felt in our Public Inquiries Section for basic information about the new legislation.

Production and distribution of booklets explaining the efforts currently underway to develop transportation strategies for approximately 28 urban areas under mandate to formulate plans for improving the quality of air in their areas.

Implementation of a program for alerting the farming community to the dangers of use of more highly toxic substitutes as replacements for the banned DDT.

Development of improved and closer liaison with national organizations representing broad aspects of trade and citizens' activities so that the flow of information about the environment and efforts underway to improve it can be accelerated and broadened.

To strengthen the regionalization of Public Affairs Offices in order that their effectiveness in the regions can be improved and so that Regional Public Affairs Offices can perform their dual task of providing a regional service and a conduit for national Public Affairs objectives. To proceed with the development of public participation methodology in order that the opinions, suggestions, and viewpoints of citizens' groups and individuals will be communicated to those within the Agency formulating plans, programs, and rules, and in order that these viewpoints will receive proper consideration.

In conclusion, if Public Affairs is to be successful in fulfilling its objectives, there must be a continuation and in some cases, an improvement in the efforts to involve Public Affairs personnel at an early stage in the development of program offices' deliberations on plans and projects. Where the Office of Public Affairs becomes involved in the early planning stage, the efforts can be more successfully meshed in order to avoid bringing in a request for Public Affairs aid at a stage that requires "catch up" emergency action and resultant inefficiencies.

Since Public Affairs is largely a service function to the entire Agency, it is important that the involvement of Public Affairs personnel at the earliest level be a part of all projects or programs which will have public affairs implications. This procedure, if followed, permits the development of Public Affairs program plans that will provide support to the programs when needed without the dislocations that emergency procedures so often involve.

Thomas T. Hart
Director

OFFICE OF CIVIL RIGHTS AND URBAN AFFAIRS

I. In my current assignment, I serve as the Administrator's principal advisor in matters relating to equal opportunity for minorities and women, minority business development, and the impact of Agency programs on urban core areas. I also direct activities necessary to assure compliance by recipients of EPA financial assistance as required by Civil Rights Acts and applicable Executive Orders.

The assignment is divided as follows:

A. Equal Employment Opportunity

Basically, the goal is to increase the number of minorities, women and Vietnam veterans in EPA employment, particularly at grades GS-9 and above, and to increase the upward mobility possibilities of these categories of personnel.

1. The Affirmative Action Program consists of the design and implementation of an Agency-wide EEO program to carry out the intent of Executive Order 11478 and Public Law 92-261, the Equal Employment Opportunity Act of 1972. The Affirmative Action Plan consists of at least eight basic action areas under which affirmative action must be taken to further equal employment opportunity throughout the Agency. The objective is to update and add to the plan during the coming calendar year, including the issuance of minority employment goals and timetables.

2. Under the Equal Employment Opportunity Counseling program, selected employees attempt to open channels of understanding and resolve problems of alleged or felt discrimination on an informal basis before they become formal complaints of discrimination. The objective is to increase the emphasis on this program through a revised system of counselor selections and training.

3. The President's 16-Point Program for Spanish-Speaking Americans is designed to assure equal opportunity in Federal employment for Spanish-Speaking Americans. The objective is to visit the regional offices in areas where there are large concentrations of Spanish-speaking persons.

4. The aim of the President's Six-Point Program for Vietnam Era Veterans is to reduce the extremely high unemployment rate among Vietnam veterans. The objective is to develop an Affirmative Action Plan for hiring Vietnam veterans to include employment goals.

B. Compliance

The Compliance programs are fundamentally regulatory in nature and enforcement oriented. The bulk of the work involved is performed regionally. Headquarters' function - once EPA policy has been determined and governing directives promulgated - is mainly advisory and supportive.

1. Under the Title VI (of the Civil Rights Act of 1964) program we must insure that there is no discrimination on account of race, color or national origin in the provision of services or benefits under any program or activity receiving EPA financial assistance.

2. The Contract Compliance Program, pursuant to Parts II and III of Executive Order 11246, bars discrimination in employment on account of race, creed, color, sex or national origin by Federal contractors and construction contractors working on projects receiving Federal financial assistance.

3. The Davis-Bacon and other related Acts require payment of prevailing wages on projects receiving EPA financial assistance and bars a variety of discriminatory actions with respect to hours worked, overtime and "kickback" payments.

C. Urban Affairs

Our Urban Affairs Program is responsible for providing a coordinative focal point for the programs of EPA as they relate to the urban areas in general and the inner cities in particular. It also develops policies and procedures for the implementation and evaluation of Agency-wide programs to increase minority economic participation in EPA and EPA-funded programs. Under this function, it is intended to establish contact with organizations which are interested in seeking resolution of the environmental problems of the inner city throughout the country and to serve as a liaison and catalyst between these organizations and the program offices of EPA.

C. Women's Programs

The Women's Program is divided into two components, i.e., internal - to develop programs to encourage meaningful career opportunities for women in EPA; and external - to provide a liaison between the program offices of EPA and the Nation's women interested in environmental enhancement.

The internal goal is to increase the number of women in supervisory, managerial and technical positions at grades GS-9 and above pursuant to the Affirmative Action Plan.

II. The current status of this assignment and its various components is as follows:

A. Equal Employment Opportunity

1. Since I assumed this position in January, 1972, I have intended and we have made considerable progress in laying the foundation and framework necessary to ensure an effective program in this area. As of this date, the Agency-wide Affirmative Action Plan has been developed and tentatively approved by the Civil Service Commission. Guidance has been provided to the Regions for preparation of regional plans as required by CSC regulations.

The EEO regulations, setting procedures under which the Agency-wide program will operate, have been drafted and are now being prepared for publication in manual form.

A minority group census by office has been made and minority employment goals and timetables have been established. They are now being prepared for approval by the Administrator and for publication.

2. Training has been provided to the present group of EEO counselors in an effort to increase their effectiveness. However, the new group of counselors will be chosen after the publication of the EEO manual.

3. The President's 16-Point Program for Spanish-speaking Americans is now underway with the appointment of a coordinator. A letter emphasizing the urgency of the program is being prepared for the Administrator to send to all employees.

4. The President's Six-Point Program for Vietnam veterans has been initiated with discussions with personnel in the Personnel Management, Manpower and Training, Grants Administration and Contracts Management Divisions in headquarters and with the Regional offices to establish EPA policies and procedures for special programs of recruitment, job counseling and placement of Vietnam veterans.

B. Compliance

Considerable effort has been devoted to laying the foundation for the Title VI and Contract Compliance programs with the preparation and processing of the applicable EPA regulations. The Title VI regulations are awaiting final Department of Justice processing, White House approval and publication. The Contract Compliance regulations are now in the last stage of revision prior to publication in final form in the Federal Register.

At present, the Compliance functions are proceeding sporadically and unevenly throughout the Country due to the

lack of adequate resources in the Regional offices. The effectiveness of the Title VI and Contract Compliance functions are dependent upon the availability of sufficient staff and travel funds to make the visits necessary to conduct a proper program. For example, under the Contract Compliance Program, each construction contract receiving EPA financial aid is supposed to be paid an on-site visit at least three times during the life of the contract to ensure compliance. Travel is required whenever there is reason to believe, from a review of documentation submitted with a grant application or a complaint from citizens, that the sewage treatment facilities will serve (or not serve) certain citizens on a discriminatory basis. At present we are understaffed for the adequate prosecution of this program. Some Regions are able to push ahead in one area or another, but with half of our Regions having only one professional staff member and two other Regions with only two professionals, it is impossible to do the job that needs to be done nationwide.

C. Urban Affairs

The base is being formed for the Minority Business Enterprise Program. To date we have developed and distributed "Interim Guidelines for EPA Minority Business Enterprise Program: Section 8(a) Negotiated Contracting Approach." In conjunction with the Contracts Management Division, a system has been established for identifying and processing minority business procurement opportunities. Commitments have been gained on Agency procurements totaling approximately \$500,000 in pursuit of \$10 million Agency goal for FY 73 (compared with total MBEP procurements of \$1.25 million during FY 72). Also in pursuit of this goal, an itinerary and format has been established for a joint OCRUA/Contracts Management team to brief the Regional Offices and NERCs on how they can increase their participation under this program.

III The principal goals and directions for the future are as follows:

Equal Employment Opportunity

- Increase the effectiveness of programs indicated above.

Compliance

- Increase the effectiveness and expand the capabilities of the Regions.
- If the additional grant funds authorized by the 1972 amendments to the Federal Water Pollution Control Act are appropriated, our regional workload may double.
- Irrespective of any additional funding, however, we can well expect the workload to increase materially because of the additon of sewerage lines to the listed items eligible for EPA grant assistance. It is reasonable to be expect that this additional authorization will bring in more Title VI work, as communities formerly stating they "planned" future sewerage for unserved minority areas possibly may be confronted with having to request it as a necessary adjunct to their current treatment works grant or risk a turn down of their grant request.
- Further, additional work can be anticipated from the fact that the 1972 amendments authorize EPA for the first time to participate in site costs. This, too, deepens our involvement with Title VI questions and increases our leverage with communities planning sewage treatment works projects.
- The addition of "sex" by the amendments to the items against which discrimination is prescribed in Title VI related matters probably will have only marginal effect

for the proximate future. I expect the effect to be more long range.

- Problems relating to exclusionary zoning should brook larger in the coming year. This is an evolving concept in the civil rights field. The parameters are not yet staked out, but as the number of law suits on the point are increasing, we can certainly look forward to increased EPA involvement-particularly if any large appropriations are voted for sewage treatment works construction. Our visibility will attract organizations initiating such suits.
- In the area of contract compliance, we can anticipate much more activity if there are larger sewage treatment works construction grant appropriations. Even without larger appropriations, as it is the goal of the Office of Federal Contract Compliance, Department of Labor, to establish plans on a national basis - in some instances "state-wide" plans - we can anticipate much work in indoctrinating communities newly subject to the plans and in work to straighten out difficulties where non-responsive bidding occurs.
- With an increase in projects nationally, we can look forward, I am sure, to at least some formal hearings on contract compliance violations. This will entail headquarters involvement in a way that heretofore has not occurred.

Urban Affairs

- Develop and administer urban affairs program for FY 74 geared to relating ongoing Agency programs to specific environmental problems of urban and inner city areas.
- Fully develop in final form a comprehensive Agency Minority Business Enterprise Program, with appropriate policy and procedural guidelines.

- Insure achievement of Agency's \$10 million FY 73 procurements goal under MBEP and maximum feasible participation of minority organizations and institutions in Agency's grants programs.
- Design and develop a system for coordinating and evaluating Agency programs and activities that directly involve or significantly impact the urban and inner city environment.
- Design and develop a community needs and priorities Relative Benefit Analysis (RBA) system for use in reviewing environmental impact statements and other proposed administrative and legislative actions significantly impacting the urban and inner city environment.
- Jointly develop a system for internally and externally coordinated demonstration project development, including urban affairs plans in the Undersecretaries Group planning process, in collaboration with Planning and Management.
- Complete formal MBEP briefings in all Agency Regional Offices and NERCs, as well as other field activities with significant procurement requirements.
- Design, develop and serve as staff support to an Agency Minority Procurement Policy Advisory Board.
- Develop and gain clearance for convening a national conference on the urban environment to examine possible alternative Agency approaches toward furthering its special commitment in that area of its overall mission.

Carol M. Thomas

Office of Regional Liaison

A. How you define your current assignment. What is its objective?

The Office of Regional Liaison is a staff office within the Office of the Administrator. It is responsible for day-to-day communication and liaison with the regional offices on problems or issues, which may have emanated from the Administrator or a regional administrator.

The specific objectives of this office are:

1. To serve as an advocate for the regional administrators within the framework of the headquarter's decision-making process.

The primary aim of the advocacy role is to insure that in all headquarters actions involving major EPA policy issues and decisions, the regional administrators have someone with whom they can air their opinions. This function involves extensive day-to-day liaison with: (1) the assistant administrators and their immediate staffs, (2) the various office directors in headquarters, (3) the regional administrators, deputy regional administrators, and other key regional staff members, (4) and the Administrator and Deputy Administrator, as necessary.

2. To act as the prime mover on solving regional problems.

This activity consists primarily of:

- a. Identifying key issues and causing proper attention to be focused on the problem areas by the principals, until meaningful solutions evolve. It is very easy to completely overlook the regional implications of a particular problem solution. This office seeks to be constantly on the lookout for problem areas that have regional implications. This requires a significant amount of time to participate in steering committees, working groups, task forces, and normal day-to-day program type activities to ferret out the possible regional problem areas.
- b. Creating a suitable forum for regional problem discussions. Once a particular problem area is identified, we seek to provide a forum where the proper program people from headquarters and the regions can make a contribution to the ultimate decision.

3. To serve as a communication link between:

The Administrator, Deputy Administrator, and the regional administrators on specific policy issues and problem areas. This office seeks to insure that policy decisions of the Administrator and Deputy Administrator, regarding regional activities, are properly disseminated and understood at the regional level. Conversely, this office also seeks to communicate to the Administrator and Deputy Administrator any problems that the regional Administrators might have in implementing policy decisions and headquarters actions.

The assistant administrators, office directors, and the regional administrators on specific policy issues and problem areas not requiring the Administrator's or Deputy Administrator's immediate attention. This office, having a better insight into the total regional picture, is able to impact directly the major decisions being made daily by the assistant administrators, or to insure that regional inputs are provided prior to decision time.

The principal regional officials and headquarters people on specific problem areas. This office seeks to insure regional involvement in the major actions taking place within the agency. This tends to develop a spirit of teamwork among the headquarters action officers and their regional counterparts.

B. What is its current status? Where does it stand?

From the outset, the Office of Regional Liaison was designed to be a small action-reaction group which could assist in insuring that the regional administrators and their staffs understood the major thrust of the EPA effort and were adequately informed to perform their missions most effectively. One of the first and well enunciated goals of EPA was to foster a strong program of decentralization of decisions and actions. To make such an effort effective, a strong liaison program insures that the regional administrators and their staffs understand what EPA is about, the rationale behind key decisions, and someone to turn to for headquarters action.

For the first year of Agency's operations, the Office of Regional Liaison was probably more action oriented because of the lack of understanding of the overall organizational structure throughout EPA. As the Agency has matured, sound counterpart relationships have developed between headquarters and the regional offices, thus relieving this office of the necessity for as many direct action type responses. Rather, the agency has moved to a point where the majority of the responses or actions are of the reaction type.

C. Where Should It Go?

We will seek to identify a series of key issues for each region and follow these very closely and impact them as necessary to insure proper attention by both headquarters and regional offices. We will continue to react to specific problem areas surfaced by the Administrator and Deputy Administrator, the assistant administrators, and the regional administrators. Our role will continue to be one of (1) advocacy for the regional administrator in the headquarters decision-making process, (2) communication link from headquarters to regions and vice versa, (3) and as a prime mover on solving regional problems.

Our number one aim will be to build a better rapport with each regional administrator and his staff so as to be in the most advantageous position possible to hear and understand the regional problems. Once we accomplish this, we will be in a little better position to try and influence action.

Specific issues that we will focus our attention on are:

1. Headquarters policy role - how specific should headquarters policy be? How much latitude should the regions have in the policy area?
2. Regional office involvement in developing national policy. What is the appropriate extent to which regional offices should be involved in establishing the national policies and objectives of the Agency?
3. The resource allocation process. What is the appropriate extent to which the regional offices and the national program managers at headquarters ought to be involved in the overall resource allocation process?

4. Information and accountability systems. What is the optimum two-way information and accountability system for an efficient decentralized operation?
5. Overcoming regional office resource constraints. As new environmental programs and demands on regions increase, how can we best meet these needs?
6. State and local involvement in EPA plans operations. What is the appropriate extent of State and local government input to the achievement of a balanced national environmental program?
7. Decentralization beyond the regional office level. If decentralization to regional offices is desirable, what about further decentralization to subregional offices?
8. Regional office organization structure. What is the extent to which regional office organization structure should be uniform among regions, and whether that structure should mirror-image headquarters?
9. Individuals attitudes toward decentralization. Will key individuals in the regions be reluctant to exercise responsibilities laid on them by a strong decentralization effort?

D. How Do We Fulfill Our Objectives?

The Office of Regional Liaison fulfills its objectives through a variety of internal procedures, all designed to optimize regional involvement in the Agency's decision-making process. Some of the internal procedures are: monthly evaluation visits to each regional office; quarterly regional administrators meetings; multi-region meeting of key functional personnel to discuss and implement new or revised policies; regional participation on working groups and steering committees for new legislation; weekly review meetings with the Administrator and Deputy Administrator; periodic meetings with the assistant administrators and office directors to discuss regional problems; and constant communication with the regional administrators.

George Marlenthal
Director